

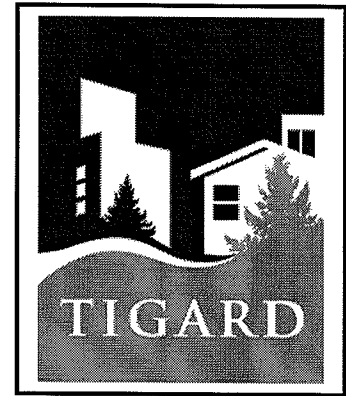
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TIGARD CITY COUNCIL AND  
LOCAL CONTRACT REVIEW  
BOARD MEETING

SEPTEMBER 25, 2007 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL MEETING  
SEPTEMBER 25, 2007

6:30 PM

- STUDY SESSION

- Discuss Town Hall Audio Video Usage
- Wall Street Parking Issue

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

2. PROCLAMATIONS: TIGARD CHAMBER WEEK – OCTOBER 1 – 15, 2007  
Mayor Dirksen

3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
  - Tigard Area Chamber of Commerce Representative
  - Follow-up to Previous Citizen Communication



4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
  - 4.1 Approve Council Minutes for August 14, and 21, 2007
  - 4.2 Approve Municipal Court Judge Michael O'Brien's Employment Agreement – Resolution No. 07-\_\_\_\_\_
  - 4.3 Amend the Committee for Citizen Involvement (CCI) Membership Structure – Resolution No. 07-\_\_\_\_\_
  - 4.4 Authorize Clean Water Services (CWS) to Enter in a Memorandum of Agreement with the Bureau of Reclamation on Behalf of the City of Tigard.
  - 4.5 Local Contract Review Board:
    - a. Award a Public Improvement Contract for the Construction of the Three-Million Gallon, 500-foot-Zone Reservoir No. 2 and Elizabeth Price Park to Emery and Sons Construction, Inc.
  - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
5. REVIEW AND DISCUSS COMPREHENSIVE PLAN GOALS, POLICIES AND RECOMMENDED ACTION MEASURES RECOMMENDED BY THE PLANNING COMMISSION AT ITS AUGUST 20, 2007 PUBLIC HEARING (CPA2007-00001)
  - a. Staff Report: Community Development Department
  - b. Council Discussion
6. METRO'S "NEW LOOK AT REGIONAL CHOICES"
  - Staff Introduction: Community Development Department
  - Update: Metro Councilor Carl Hosticka
7. COUNCIL LIAISON REPORTS

8. NON AGENDA ITEMS

9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

10. ADJOURNMENT



# PROCLAMATION

## Tigard Chamber Week

**WHEREAS**, the Tigard Area Chamber of Commerce is a membership organization representing the interests of its constituents; and

**WHEREAS**, the Tigard Area Chamber of Commerce is an integral partner in the success of our community; and

**WHEREAS**, the Tigard Area Chamber of Commerce continues to create a stronger local economy, promote our community, provide networking opportunities and advocate on behalf of its members; and

**WHEREAS**, the Tigard Area Chamber of Commerce has grown to over 500 members; and

**WHEREAS**, the Tigard Area Chamber of Commerce is governed by a volunteer Board of Directors representing a wide array of business acumen; and

**WHEREAS**, the Tigard Area Chamber of Commerce and the City of Tigard work in tandem to provide a forward thinking Community; and

**WHEREAS**, during this week, the Tigard Area Chamber of Commerce will celebrate its members, encourage new memberships, recognize our community and the positive business environment of Tigard, Oregon;

**NOW THEREFORE BE IT RESOLVED THAT I**, Craig Dirksen, Mayor of Tigard, on behalf of the entire City Council, do hereby proclaim:

October 1 - 5, 2007 as

## Tigard Chamber Week

in Tigard, Oregon and urge my fellow citizens to continue to be involved in their community and their chamber of commerce.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

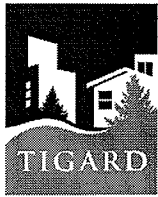
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

\_\_\_\_\_  
Craig E. Dirksen, Mayor  
City of Tigard

**Attest:**

\_\_\_\_\_  
City Recorder





Agenda Item No. \_\_\_\_\_  
For Agenda of \_\_\_\_\_

**TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD,  
AND CITY CENTER DEVELOPMENT  
AGENCY MEETING MINUTES  
August 14, 2007**

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Mayor Dirksen called the meeting to order at 6:32 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor Buehner	✓	
Councilor Sherwood	✓	
Councilor Wilson	✓	
Councilor Woodruff	✓	

Staff Present: City Manager Prosser, City Recorder Wheatley, City Attorney Ramis,  
Community Development Director Coffee, City Engineer Duenas, Buyer Barrett.

- **STUDY SESSION**

- Council Discussion Regarding Washington County Coordinating Committee (WCCC)  
Transportation Funding Options – Mayor Dirksen

Mayor Dirksen said he was seeking input from the City Council members regarding City and County road improvements. The WCCC is considering a Major Streets Transportation Improvement Plan (MSTIP) bond measure to catch up with needed street improvements. The consensus of the WCCC members was to restrict the MSTIP road projects to roads of county-wide significance. Some collector streets might be considered if regional significance can be justified.

The MSTIP bond measure will not be adequate for County and local road improvement needs. The County is considering increasing the Traffic Impact Fee (TIF) or replacing the TIF with a System Development Charge. There is some concern among the WCCC members that if one funding source is dropped but then a new funding source is not approved, then the source now available would be lost. Each municipality should consider adopting its own SDC. Mayor Dirksen explained that the WCCC is attempting to define a multi-tiered funding approach to deal with road improvements in a holistic manner to allow cities some flexibility to address traffic issues.

Councilor Wilson expressed concern that road improvements might be defined as widening existing roads instead of building new ones. He said he thinks that alternative routes do more to relieve congestion than anything else.

Councilor Buehner said she was generally in favor of the proposed approach by WCCC, but asked if the current status of the shortage of connecting roads in the southern county had been considered. Mayor Dirksen said there has been discussion about whether new roads in new areas could be added to the list. He said he would bring this up again. Councilor Buehner suggested that Mayor Dirksen also ask Tualatin, Sherwood and Wilsonville for support on more southern county roads since they would benefit as well.

Mayor Dirksen noted that after discussing the multi-tiered approach that eventually all of the city representatives to the WCCC agreed this could be of benefit. Mayor Dirksen also noted that there had been discussion of connecting Roy Rogers Road with 175<sup>th</sup> Avenue for a north/south connector. Councilor Buehner referred to Clark Hill Road as a logical connector.

Councilor Wilson urged that it was time to look at resolving transportation barriers to resolve problems with connectivity.

> Council Discussion Regarding the North Bethany Urban Renewal District

Mayor Dirksen reported that the City of Tigard was approached by Beaverton officials to support their opposition to the North Bethany Urban Renewal District. Mayor Dirksen advised he had been contacted by an *Oregonian* reporter on this matter; the Mayor advised that he did not think the City of Tigard Council would take a position on this issue. Adding urban population to areas where there is no infrastructure could be construed as an abuse of the urban renewal system. Tualatin Valley Fire & Rescue is tentatively supporting the District.

In response to a question from Councilor Buehner, Community Development Director Coffee advised that this is similar to the Bull Mountain situation. Councilor Buehner noted that this would eventually hurt everyone. Councilor Wilson added the effect on state and local government, which would subsidize these areas. Councilor Sherwood said she did not believe that the urban renewal laws were created for this purpose.

During discussion, City Manager Prosser noted the Greenfield urban renewal area in near the Portland airport. This area is zoned commercial.

Mayor Dirksen suggested the City Council would not take a formal position on the North Bethany matter, but issue a statement that the City of Tigard City Council is philosophically opposed to funding urban development in this manner. City Manager Prosser noted that Washington County Board Chair Brian is sponsoring an Urbanization Summit and a better approach might be to discuss this issue then.

After discussion, Council members agreed the City would not take a formal position on the Bethany matter but note a general philosophical opposition to using urban renewal in this manner along with concerns with setting a precedent. In addition the Council noted problems created when urbanization occurs without planning for infrastructure.

➤ Council Discussion Regarding the Library Building Coffee Bar

City Manager Prosser introduced Buyer Barrett. The coffee bar vendor in the Library will leave at the end of this month. Staff has talked to the Friends of the Library and others, who have shown no interest in operating the coffee bar.

Buyer Barrett said he was approached two months ago by a donut shop owner who was interested in the Library coffee bar space if it became available. This vendor is operating a business at the Sherwood Public Library.

Council discussion followed. Library patrons indicated, through surveys, that they want a coffee bar. The Council discussed the need for this business to be competitive. City Manager Prosser noted the City's efforts to assist a vendor to get a return on investment. He also noted that under State law the Commission for the Blind would have right of first refusal if it wanted to operate the business; per State policy the Commission does not pay rent or utilities and they would take all of the profits if they came forward.

Council members discussed ways to assist a vendor by allowing hours of operation to be longer than the open Library hours, better signage, more tables, comfortable seating, and close-by, short-term parking spots.

➤ Administrative Items

▪ Washington County Ten-Year Plan to End Homelessness

Councilor Sherwood explained the need for the County to write a plan to obtain Federal funding. Washington County cities are being asked to help fund the Grant application. Discussion followed about the need to address homelessness and all Council members expressed support for this funding. Councilor Sherwood described the efforts by the County shelter to provide services and their participation in developing the first part of the application. Councilor Sherwood noted she thought that the cities of Forest Grove and Sherwood are planning to pledge some funds to help procure this grant.

City Council members agreed that it would consider a budget amendment of \$5,000 to support Washington County's 10-Year Plan to End Homelessness grant application. A resolution for the City Council's consideration will be scheduled on the August 28, 2007, City Council agenda.

▪ Councilor Wilson and Councilor Woodruff will be absent for the August 21 City Council Workshop meeting. City Manager Prosser announced that a

recap of the August 21 workshop discussion will be presented during the August 28, 2007, City Council Study Session.

- City Council discussed its November and December Council Meeting Schedule
  - Council will be attending National League of Cities on November 13; City Council members agreed to cancel the November 13 meeting and hold a business meeting on November 6, 2007.

City Council agreed to hold two business meetings on December 11 and 18; the December 25, 2007, meeting is cancelled due to the Christmas holiday.

- Tigard/IWB/Lake Oswego Water Task Force

Staff is working to schedule a date for the first meeting. Information on the value of water rights will be sent to members of the Task Force.

- Street Globes – Downtown

Community Development Director Coffee asked if there was any direction on the street globes. Two examples of globes were on display in the room. Councilor Sherwood said, "I think it's got to go back." Mayor Dirksen said that, "We need to hand it off to the CCAC and see what they say." City Manager Prosser noted he had heard some Council discussion whereby there was interest in exploring a dark green color as a standard for Tigard.

Study Session concluded at 7:19 p.m.

## 1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council and Local Contract Review Board called the meeting to order at 7:36 p.m.

- 1.2 Roll Call:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor Buehner	✓	
Councilor Sherwood	✓	
Councilor Wilson	✓	
Councilor Woodruff	✓	

- 1.3 Pledge of Allegiance: Led by Boy Scout Troop #69 from Northwest Portland

1.4 Council Communications & Liaison Reports

1.5 Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION

- John Frewing, 7110 SW Lola Lane, Tigard, Oregon said he was present tonight to appraise the City Council of a serious situation. He said that Tigard's Comprehensive Plan effort that began about two years ago is premised on determination of citizen values and development of ideas for goals, policies, and action items through a variety of citizen meetings, followed by review by boards and commissions, and then eventually forwarded to the City Council for adoption. This is the framework to follow under Oregon law.

Mr. Frewing referred to the incorporation of values through visioning documents and open houses. The process had moved forward with some staff work and presentation of data. Now Policy Interest Teams are meeting. Mr. Frewing said the new Comprehensive Plan will either reinforce our current policies, practices, and goals or to create new ones. A staff-prepared May 14 document refers to department review teams, which says that the primary duty is to review the goals, policies, and action measures to ensure compatibility with department work programs and projects. Mr. Frewing said that, to him, this violates the whole idea of the Comprehensive Plan – that the staff is going to make sure that any new policies are compatible with the historic and current practices, policies, preferences, and priorities of staff. He said this was not the job of staff.

Mr. Frewing said the Park and Recreation Board met last night. He has been a member of the Policy Interest Team that worked on development of goals, policies, and action items. He learned the City Manager directed that some of the policies be deleted and not considered. Mr. Frewing said it seemed to him that if the City Council wants to delete those policies and action items, that would be acceptable. He did not think the City Manager should be deleting items at this stage and said it might invalidate the Comprehensive Plan process completed so far. He asked the City Council direct the City Manager to not interfere in the development of policies until they get to the City Council. At that time, then the City Manager should state his opinion as would anyone else.

Mr. Frewing advised that the stricken policy and action items related to the creation of a city recreation program in addition to a parks land acquisition program. Mr. Frewing said he was not personally a fan of the city recreation program, but the Policy Interest Team and surveys that the Park and Recreation Board have done over the last two or three years all showed significant interest for a city recreation program. He did not think this should have been stricken from the proposals on the basis that it was not funded. He asked the City



Council to direct the City Manager that these types of things go forward until the Council has made its decision.

City Manager Prosser said clarification should be made; he did not direct that anything be stricken. He reported that the initial draft of the proposed action items regarding the recreation program had been written with general language suggesting that the City look into creating a recreation program. The second draft came back with very specific language saying that the City would place an operating levy on the ballot between November 2008 and November 2010. City Manager Prosser noted that this issue was brought to the City's Budget Committee, also a citizen group, and that was not the direction from the Budget Committee. This was setting up a conflict so City Manager Prosser suggested that the language was overly specific and probably did not belong in a policy document such as the Comprehensive Plan. Mayor Dirksen asked where the change to more specific language originated. City Manager Prosser said that was not clear and because the language was so specific, it would have committed the City to a course of action that had been turned down by the Budget Committee. The language was revised to convey that the City would "consider developing a recreation program and placing a funding measure before the voters." This language, City Manager Prosser said, represented the basic intent. Councilor Sherwood advised she thought this more general language was reasonable and she would not want language to be specific. Councilor Buehner agreed and said specific language would set up unrealistic expectations. Councilor Sherwood added such specific language might lead someone to expect that an election would be held by a certain date.

Mr. Frewing said staff has worked with the Policy Interest Team (citizens) to create the language. There were 10-12 changes that staff said the City Manager said should be made. City Manager Prosser advised the only issue he gave input on was for the recreation program item.

Mr. Frewing read one of the proposed policies that had been removed: "The City shall identify funding to build recreational facilities and provide a full-service recreational program." This was a recommendation from the Policy Interest Team and endorsed by the Park and Recreation Board according to Mr. Frewing. At the meeting last night, the document contained staff commentary stating: "Concerns have been raised that this policy is premature because the City must first assess the need, willingness, and ability of the community to pay for recreation services and related facilities. This is a fiscal issue that must be addressed prior to making policy." Mr. Frewing said that nothing would happen if we had to wait to identify the financial details. He said he thought it was sound to propose a policy, and acknowledged the City Council, as the decision makers, might decide against the proposed policy.

Councilor Buehner said the City Council did make a policy decision at the time of the budget. Mr. Frewing pointed out that this decision was for the year

2007/08. Councilor Buehner noted this was relating to whether the City was going to consider funding any kind of recreation program in the next three or four years. This was the decision made and staff was following up on that policy decision. Mr. Frewing said he disagreed; what the City Council acted on was the budget for the coming year. At the Budget meeting, Mr. Frewing pointed out the City Council said a recreation program was a good idea, but it could not be afforded now. Mr. Frewing said his objection is that the staff gets "into this" through a staff-review process and also through a final cut before it receives a full airing before the City Council.

Councilor Woodruff asked Mr. Frewing if his point was that anything coming from the Policy Interest Teams or the advisory committees should be unfiltered until it gets to the City Council. Mr. Frewing confirmed that Councilor Woodruff's statement was correct. He said the recommendation would go to the Planning Commission from the Policy Interest Team. This would be the process to winnow the document. If the Planning Commission wants to delete a policy, he believed they could do so. After review by the Planning Commission, the City Council would have the ability to add or delete items in the document. He reiterated that staff should not be able to review the proposals for consistency with department work programs and projects. He added the City Manager should not be able to direct that items be deleted because the funding is not yet clear. He said there are many proposals in the Comprehensive Plan draft material where funding is not yet clear. The Comprehensive Plan is a 20-year plan.

Mayor Dirksen said he agreed with the philosophy of Mr. Frewing that if these are recommendations that are coming out of the policy action groups, then they should come to the Planning Commission and the City Council unfiltered so these bodies can see what the recommendations are. Mayor Dirksen noted adjustments might be made. There was agreement that staff commentary would be appropriate.

Councilor Buehner said she did not agree with the Budget Committee as she thought we needed to go ahead with a recreation plan. But, since there was unwillingness to commit for a three-year period, she went along with the group because it did not make sense to try to do a program for one year. Councilor Buehner said she thought the Budget Committee had made a very clear policy decision and she did not want to see this proposal again. Mayor Dirksen said he thought the City Council should give the policy action groups a clear field; that is, "we get from them whatever we get from them."

Councilor Woodruff commented that the recommendation for the recreation program had come from Park and Recreation Board to the Budget Committee. If a broader interest group was now proposing the program, he did not think it would be unreasonable for this to be part of the document. He added that the Budget Committee has already indicated some concerns about this program, but

he would not have a problem in looking at this. Mr. Frewing agreed with Councilor Woodruff and said that next year the City Council might or might not decide to place something on the ballot for recreation. Councilor Sherwood said her concern was to add specific language about how the program is to be created. Mayor Dirksen said he thought it would be all right to keep this language while Councilor Sherwood noted that the City Council looks to staff for a detailed review of the document. Councilor Buehner again said she did not want to see any recommendation for a ballot measure in 2008, when a policy decision has already been made. Councilor Woodruff said City Manager Prosser's suggestion that the language be more general was something that should come to the City Council.

City Manager Prosser said he had concerns about the specific time frames. He said Mr. Frewing was correct about other language that had been removed; however, this language was duplicative. There is still language in the document that says the City will consider creating a recreation program.

City Attorney Ramis noted there will be a legal review of the document. Legal counsel will be looking at the document with regard to its legal sufficiency and enforceability. The distinction the attorneys will be looking for in the language is what language shall be enforceable policy and what language is intended to be aspirational. It is critical that as the City Council reviews the document, it distinguishes between what it intends to be legally enforceable and what is an aspiration that the City might want to pursue in the future. City Attorney Ramis added that this is a legal document that can be brought to the Land Use Board of Appeals to be enforced.

Councilor Wilson said the Comprehensive Plan sets the parameters for the zoning ordinance. What is being discussed at this time is a new City service. He asked whether non-land use related items should be considered. City Manager Prosser advised that a briefing on the Comprehensive Plan process is scheduled for next week's Council meeting; he suggested this matter could be discussed in more detail at that meeting. City Manager Prosser said we were hoping to have broader Comprehensive Plan to set the overall direction for the City, not just for land use, but for what we want to aspire to and achieve in the City of Tigard. Proposed chapters of the Comprehensive Plan will soon be forwarded to the Planning Commission and then will also eventually come before the City Council chapter by chapter. He acknowledged that he and Mr. Frewing have differing viewpoints.

Councilor Sherwood suggested to Mr. Frewing that he call the City Manager when he has concerns. Mr. Frewing said this had come up late yesterday evening.

- Follow up to previous citizen communication: City Manager Prosser reviewed that Mr. Frewing had brought up concerns about construction activity at Ash

Creek Estates. Staff reviewed these concerns and replied to Mr. Frewing in an e-mail communication that was sent out today. The City's new arborist toured the site with the developer. The arborist confirmed that the tree-protection fencing is back in place. Dirt had been moved within the tree-protection zone and this has been cleaned up. The arborist verified that the proper protection measures are in place and reiterated with the builder the importance of making sure those measures are not even temporarily breached. The City's arborist also visited with the project arborist to stress the importance of the same items that had been reviewed with the builder.

3. CONSENT AGENDA: Mayor Dirksen reviewed the Consent Agenda:

- 3.1 Approve Council Minutes for May 22, 2007
- 3.2 Receive and File:
  - a. Council Calendar
  - b. Tentative Agenda
- 3.3 Approve an Intergovernmental Agreement with Metro Providing Tigard Police Department Support for the Enforcement of the Metro Illegal Disposal Ordinance
- 3.4 Approve a Resolution Approving Budget Amendment #3 to the FY 2007-08 Budget Increasing Interagency Revenues in the General Fund by \$90,620 and Increasing Appropriations by \$90,620 in the Police budget within the Community Services Program, to reflect an Intergovernmental Agreement between Metro and the City of Tigard to Assign a Tigard Police Officer for Enforcement of the Metro Illegal Disposal Ordinance - Resolution No. 07-52

RESOLUTION NO. 07-52 – A RESOLUTION APPROVING BUDGET AMENDMENT #3 TO THE FY 2007-08 BUDGET TO INCREASE APPROPRIATIONS IN THE POLICE BUDGET WITHIN THE COMMUNITY SERVICE PROGRAM TO REFLECT AN INTERGOVERNMENTAL AGREEMENT BETWEEN METRO AND THE CITY OF TIGARD ASSIGNING A TIGARD POLICE OFFICER TO METRO

- 3.5 Consider a Mutual Aid and Assistance Agreement with the Oregon Water/Wastewater Agency Response Network (ORWARN)
- 3.6 Consider an Amendment to the Intergovernmental Agreement with Clean Water Services
- 3.7 Consider a Third Amendment to the Joint Funding Agreement for the Integrated Water Resource Management (IWRM) Water Supply Feasibility Study (Tualatin Basin Water Supply Project)
- 3.8 Local Contract Review Board: Award of Contract for Installation of a Traffic Signal at the Durham Road/108<sup>th</sup> Avenue Intersection
- 3.9 Approve 2007 Justice Assistance Grant (JAG) Application

- 3.10 Approve Memorandum of Understanding Regarding Potential Real Property Trans-  
action – Fred Fields and Tigard-Tualatin School District (Hall Blvd. Bus  
Storage Site and Fields Property) – Resolution No. 07-53

RESOLUTION NO. 07-53 – A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF TIGARD AUTHORIZING THE CITY MANAGER  
AND THE COMMUNITY DEVELOPMENT DIRECTOR TO  
CONTINUE TO WORK WITH FRED W. FIELDS AND THE TIGARD-  
TUALATIN SCHOOL DISTRICT IN EXPLORING OPTIONS FOR A  
MUTUALLY BENEFICIAL REAL ESTATE TRANSACTION  
INVOLVING THE HALL BOULEVARD BUS STORAGE SITE AND  
THE FIELDS PROPERTY

Motion by Councilor Buehner, seconded by Councilor Sherwood, to approve  
the Consent Agenda.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

#### 4. REVIEW SECOND QUARTER COUNCIL GOAL UPDATE

City Manager Prosser presented the update on the Council goals for the second quarter  
of 2007. City Manager Prosser noted that the City Council had adopted five goals at  
the beginning of the year.

A copy of the staff report is on file in the City Recorder's office. Mayor Dirksen noted  
one of the City Council's goals (No. 5) was to increase Tigard's involvement with other  
government agencies. The Mayor noted that he and City Manager Prosser recently met  
with County Chair Brian and Commissioner Rogers to discuss an issue that arose out of  
miscommunication. Chair Brian and Mayor Dirksen have decided to speak to each  
other by telephone every other week to bring each other up to speed on issues. Also  
Metro is discussing a project called "Connecting Green." Metro President David  
Bragdon has announced that he would someday like to be able to say that the Portland  
area has the best park and recreation system in the world. Mayor Dirksen said he has  
participated in several meetings and seminars regarding this program and how it might  
be implemented.

Councilor Sherwood reported that she and Councilor Wilson attended a Metro  
sponsored trip to Port Moody, Vancouver. They also attended a zoo function.

Participation in these two events has helped to open opportunity for communication between the City of Tigard and Metro.

5. APPROVE AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE (TMC 5.04 – BUSINESS TAXES) MAKING CHANGES TO THE CURRENT BUSINESS TAX STRUCTURE

Police Chief Dickinson presented the staff report; a copy is on file in the City Recorder's office. The changes in the proposed ordinance (Version 1 and 2) would fund a Commercial Crime Unit in the Police Department.

Police Chief Dickinson reviewed the two versions of the proposed ordinance:

Version 1 would change the business tax to a business license program along with implementing the other recommended administrative and collection procedures. Version 2 includes the same changes as outlined in Version 1, but includes those conditions where suspension or revocation of a business license could occur.

Staff recommended approval of Version 2.

Council discussion followed. Councilor Wilson noted he would be uncomfortable with the regulatory aspects of Version 2. During the discussion, Council reviewed the pros and cons with regard to having the ability of revoke a business license and to change the "tax" to a license program. City Attorney Ramis also reviewed the legal process whereby a business owner could appeal revocation of a business license. There was discussion about designating one or two councilors to review this matter in more depth. Councilor Wilson indicated he would be willing to work on this. If the City Council approves Version 1, then this would mean that the revenue stream created could be dedicated to a Commercial Crime Unit, effective January 2008. City Manager Prosser suggested the City Council consider Version 1 with the understanding this would be revisited at a later date.

Motion by Councilor Buehner, seconded by Councilor Woodruff to adopt Ordinance No. 07-15, Version 1.

ORDINANCE NO. 07-15 (VERSION 1) – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE, TMC 5.04, MAKING CHANGES TO THE BUSINESS TAX STRUCTURE

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

6. CONSIDER A RESOLUTION REVISING THE FY 2007-08 CITYWIDE MASTER FEES AND CHARGES SCHEDULE TO INCORPORATE CHANGES IN THE CITY'S BUSINESS LICENSE FEE

Police Chief Dickinson presented the staff report. This change to the Master Fees and Charges Schedule relates to Agenda Item No. 5 above. A copy of the staff report outlining the information for this proposal is on file in the City Recorder's office.

During City Council discussion, Councilor Woodruff noted that the business license fee had not been increased in 20 years.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Resolution No. 07-54.

RESOLUTION NO. 07-54 – A RESOLUTION REVISING THE FY 2007-08 CITYWIDE MASTER FEES AND CHARGES SCHEDULE TO INCORPORATE CHANGES IN THE CITY'S BUSINESS LICENSE FEE

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

7. CONSIDER A RESOLUTION APPROVING BUDGET AMENDMENT #1 TO THE FY 2007-08 BUDGET TO INCREASE APPROPRIATIONS IN THE POLICE BUDGET WITHIN THE COMMUNITY SERVICE PROGRAM FOR FUNDING OF A COMMERCIAL CRIME UNIT

Police Chief Dickinson presented the staff report; a copy is on file in the City Recorder's office. This budget amendment relates to Agenda Item Nos. 5 and 6 above.

City Manager Prosser noted there was a correction made to the original resolution submitted to the City Council. The agenda title for this item should have also been revised.

Councilor Woodruff thanked Police Chief Dickinson for his work in getting the Commercial Crime Unit funded and for obtaining the support of the business community. Councilor Buehner added she appreciated the time spent preparing this proposal for the City Council's consideration and added her thanks to Police Business Manager Imdieke for his work on this project.

Motion by Councilor Wilson, seconded by Councilor Buehner, to adopt Resolution No. 07-55.

RESOLUTION NO. 07-55 – A RESOLUTION APPROVING BUDGET  
AMENDMENT #1 TO THE FY 2007-08 BUDGET TO INCREASE  
APPROPRIATIONS IN THE POLICE BUDGET WITHIN THE COMMUNITY  
SERVICE PROGRAM FOR FUNDING OF A COMMERCIAL CRIME UNIT

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

*Recess City Council Meeting (8:45 p.m.)*

Motion by Councilor Sherwood, seconded by Councilor Buehner to recess the City Council meeting)

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

*Convene City Center Development Agency (CCDA) Meeting (8:55 p.m.)*

- Chair Dirksen called the meeting to order at 8:55 p.m.
- Roll Call: Chair and Board Members of CCDA

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Chair Dirksen	✓	
Director Buehner	✓	
Director Sherwood	✓	
Director Wilson	✓	
Director Woodruff	✓	



8. DOWNTOWN URBAN DESIGN UPDATE – CITY CENTER ADVISORY COMMISSION (CCAC) AND PLANNING COMMISSION RECOMMENDATIONS

Associate Planner Farrelly presented the Staff report; a copy is on file in the City Recorder's office. City Center Development Agency received a briefing on the recommended format a level of design regulations for Downtown and the timeline to implement. The PowerPoint presentation overview is on file in the City Recorder's office.

In response to a question from Councilor Buehner, Associate Planner Farrelly advised that consultants from Leland Associates will be talking to developers to gain insight on this matter. Long Range Planning Manager Bunch reported that Jodie Inman and Tom Anderson have given input from a developer's perspective. There was support for design standards.

In response to a question from Mayor Dirksen, Associate Planner Farrelly advised that the cities of Bend and Eugene have used form-based code regulations. Mayor Dirksen commented he would like to know more about how the form-based code process would work with Oregon's land use laws referring to the incentives for a streamlined process. Councilor Wilson said he thought this proposal was an amplification of what the City is already doing citing the procedures for developing in the Tigard Triangle. In response to a concern by Councilor Wilson, Associate Planner Farrelly agreed that the form-based code provisions should provide guidance through certain principles, but still allow opportunity for some variety in development.

Discussion followed regarding form-based code principles and the development observed at Port Moody, B.C. During discussion with staff members Long Range Planning Manager Bunch and Associate Planner Farrelly it was noted that some regulations might address materials that were not considered desirable or methods to emphasize high quality, durable building materials. Long Range Planning Manager Bunch responded to the discussion noting land is getting more expensive and developers want to protect their investment. It's a matter of approach and getting direction from the leadership about what kind of community is wanted.

Chair Dirksen noted the multi-path approach described by staff is innovative and he looks forward to seeing where this will go.

Motion by Director Buehner, seconded by Director Woodruff to adjourn the City Center Development Agency meeting.

The motion was approved by a unanimous vote of the Agency members present.

Chair Dirksen	Yes
Director Buehner	Yes
Director Wilson	Yes
Director Sherwood	Yes
Director Woodruff	Yes

*Adjourn City Center Development Agency (CCDA) Meeting: 9:20 p.m.*

*Reconvene City Council Meeting: 9:21 p.m.*

- Mayor Dirksen reconvened the City Council meeting.
- City Council present:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor Buehner	✓	
Councilor Sherwood	✓	
Councilor Wilson	✓	
Councilor Woodruff	✓	

9. FINALIZE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 37 (SW 87<sup>TH</sup> AND HALL BLVD.)

Mayor Dirksen opened the public hearing.

There were no declarations or challenges.

City Engineer Duenas presented the staff report; a copy is on file in the City Recorder's office. The PowerPoint presentation overview is on file in the City Recorder's office. The proposed resolution would finalize Reimbursement District No. 37 as modified by the final City Engineer's report.

Public Testimony:

- Connie Curtis, 15285 SW Alderbrook Court, Tigard, OR 97224 testified about her concerns for increases in costs and her potential plans to develop her property. She noted her problems with getting maps from the City. City Engineer Duenas explained maps can be provided and noted the property was staked out for Ms. Curtis. He referred to printed materials provided to the property owners within the district. Ms. Curtis had requested information about

costs associated with different development scenarios and City Engineer Duenas advised that staff should not give "development advice." City Engineer Duenas advised that maps could be provided to Ms. Curtis.

City Engineer Duenas advised staff recommended approval of the finalization of Sanitary Sewer Reimbursement District No. 37 (SW 87<sup>th</sup> and Hall Boulevard), as proposed in the Resolution before the City Council.

Mayor Dirksen closed the public hearing.

Motion by Councilor Buehner, seconded by Councilor Woodruff, to adopt Resolution No. 07-56.

A RESOLUTION FINALIZING SEWER REIMBURSEMENT DISTRICT NO. 37 (SW 87<sup>TH</sup> COURT AND HALL BOULEVARD) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 07-06

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

10. PUBLIC HEARING – CONSIDER REQUIREMENT THAT ALL CHIEF PETITIONERS FOR A CITY OF TIGARD INITIATIVE, REFERENDUM OR RECALL PROCESS BE ELECTORS OF THE CITY OF TIGARD

Mayor Dirksen opened the public hearing.

There were no declarations or challenges

City Recorder Wheatley presented the staff report; a copy is on file in the City Recorder's office.

Public Testimony: None.

In response to a question from Councilor Woodruff, City Manager Prosser clarified that this ordinance would apply to ballots for City of Tigard voters only.

Councilor Buehner noted her concerns that too many outside interests were trying to impose their own interests on local voters. She said she thinks petitions should be started and finished by the people who are going to be affected by them.

Staff recommended the City Council consider the proposed ordinance.

Mayor Dirksen closed the public hearing.

Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Ordinance No. 07-16.

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE BY  
ADDING SECTION 1.12.060 REQUIRING CHIEF PETITIONERS FOR A  
CITY OF TIGARD INITIATIVE, REFERENDUM OR RECALL PETITION  
BE ELECTORS OF THE CITY OF TIGARD

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

11. PUBLIC HEARING – CONSIDER A RESOLUTION GRANTING AN  
EXEMPTION FROM COMPETITIVE BIDDING UNDER PUBLIC  
CONTRACTING RULE NO. 10.110 FOR THE CONSTRUCTION OF THE  
HITEON CREEK RIPARIAN ENHANCEMENT PROJECT AND AWARDED  
A CONTRACT FOR THIS PROJECT TO DEVELOPER DOUGLAS A. FRY

Local Contract Review Board Chair Dirksen opened the public hearing.

There were no declarations or challenges.

Assistant Public Works Director Rager presented the staff report; a copy is on file in the City Recorder's office. He noted the estimated due date will be longer than what was noted in the staff report and advised the overall project will take much longer with the engineering work taking 14-20 days.

Public Testimony: None.

Local Contract Review Board Chair Dirksen closed the public hearing.

Councilor Woodruff noted his appreciation for the formal purchasing rules; however, there are times when an exception should be granted and he felt this was one of those times.

Motion by Board Member Woodruff, seconded by Board Member Wilson, to adopt Local Contract Review Board Resolution No. 07-01.

LCRB RESOLUTION NO. 07-01 – A RESOLUTION TO APPROVE  
FINDINGS FOR AN EXEMPTION FROM COMPETITIVE BIDDING  
UNDER PUBLIC CONTRACTING RULES 10.110 FOR THE HITEON  
CREEK RIPARIAN ENHANCEMENT PROJECT AND AWARD A  
CONTRACT FOR THIS PROJECT TO DEVELOPER DOUGLAS A. FRY

The motion was approved by a unanimous vote of Local Contract Review Board members present.

Chair Dirksen	Yes
Board Member Buehner	Yes
Board Member Sherwood	Yes
Board Member Wilson	Yes
Board Member Woodruff	Yes

➤ ADJOURNMENT: 9:45 p.m.

Motion by Councilor Wilson, seconded by Councilor Buehner, to adjourn the meeting.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

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Catherine Wheatley, City Recorder

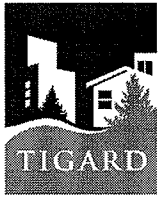
Attest:

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Mayor, City of Tigard

Date: \_\_\_\_\_

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Agenda Item No. \_\_\_\_\_  
For Agenda of \_\_\_\_\_

**TIGARD CITY COUNCIL  
WORKSHOP  
Meeting Minutes  
August 21, 2007**

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1. WORKSHOP MEETING

1.1 Mayor Dirksen called the meeting to order at 6:32 p.m.

1.2 Roll Call:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor Buehner	✓	
Councilor Sherwood	✓	
Councilor Wilson		✓
Councilor Woodruff		✓

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports: None

1.5 Call to Council and Staff for Non-Agenda Items: None

2. DISCUSS I-5 TO HIGHWAY 99W CONNECTOR PROJECT ALTERNATIVES

City Engineer Duenas introduced this item. I-5 Connector Project Team representatives, Lawrence Odell, Assistant Director of Land Use for Washington County; Russ Knoebel, Principal Engineer for Washington County; and Scott Richman of David Evans Associates were present.

Washington County Principal Engineer Knoebel gave a PowerPoint presentation on the I-5 to 99W Connector Project. A copy of his PowerPoint is on file in the City Recorder's Office. He said future predictions are that there would be 1,000 more vehicles on 99W per hour and 500 additional vehicles per hour on Durham Road, as well as 1,500 more vehicles per hour on 99W south of Tigard. He said this would be the

reality if no new facilities are built. He estimated that the demand for vehicles moving from east to west between I-5 and 99W would increase by 100%.

David Evans Consultant Scott Richman discussed the Regional Transportation Plan (RTP) Amendment process steps, which include developing a range of alternatives to meet the challenges. He presented the choices identified to improve transportation between I-5 and 99W, noting that each step includes obtaining citizen input through community forums and public hearings –

1. No-Build Alternative
2. Transportation Demand Management/Transportation System Management (TDM/TSM) Alternative
3. Enhance Existing System Alternative (ESSA)
4. Two Connector Alternatives within the Urban Growth Boundary (UGB) (4d and 4e)
5. One Connector Alternative partially outside the UGB (5b)

Consultant Richman said the State requires consideration of a no-build alternative as well as looking at existing system enhancements before recommending a solution that requires higher capital costs.

Mr. Richman said all connector alternatives connect with I-5 in the same place and he noted that the blue shaded area on the map extends well beyond the I-5 freeway because ODOT and the Federal Highway Administration will not allow a new direct interchange onto Interstate 5. He said it needs to be tied into the adjacent I-205 and Stafford Road interchanges and connected to those via auxiliary lanes or ramps that would not disrupt operations on I-5.

Mayor Dirksen asked if traffic would be able to flow directly from I-205 onto a connector without having to travel onto I-5. Consultant Richman said that was correct.

Councilor Buehner noted that on the draft maps a road is shown connecting Tualatin Sherwood Road with 72<sup>nd</sup> crossing over both the Tualatin River and the railroad tracks. She asked if getting another railroad crossing was possible. Mr. Richman said his understanding was that a railroad crossing or bridge would need to be grade separated and considering feasibility would be part of the analysis.

Councilor Buehner also said the route goes through Tualatin Park and Durham Park, which would significantly impact the newly connected park system. She asked if the Project Team had spoken with the City of Durham yet. Mr. Richman said they had not.

On Alignment 5B, Councilor Buehner remarked that the proposed east-west connector road in Tualatin needs to take into account the new high school built to the south of Tualatin High School and adjacent land owned by the school district.

Washington County Principal Engineer Knoebel said he heard concerns from Tigard Council last time he attended a City Council meeting that the farther south the I-5 to 99W corridor gets, the less assistance it would be for Tigard. He said preliminary data shows Alternative 4E has the potential to remove 1,000 vehicles per hour off of 99W north of Main Street in Tigard. Alternative 5B has the ability to remove 900 vehicles per hour and both alternatives could remove 250 trucks off of 99W, north of Main Street.

Washington County Assistant Land Use Director Odell said the five alternatives are being studied as though each individually would solve the issue at stake. He said, "Ultimately, the solution is going to be a combination of things." He also noted that the blue swaths on the maps are 1,000 foot wide and the actual alignments will be much less. He said these routes made the first cut because they avoided sensitive areas like the Tualatin National Wildlife Refuge, cemeteries and schools.

Mayor Dirksen asked Council for their comments. Councilor Sherwood said any one of the connector alternatives looked like it would remove a lot of cars. She stressed the importance of reducing truck traffic on 99W. She liked the idea that even if a connector is chosen, there will be some improvements to enhance the system.

Mayor Dirksen said a combination of a new route plus enhancements to existing roads was the most logical choice. He said the Council previously expressed concerns to the project team and steering committee about proposed routes being too far south, but it appears those routes have been taken off the table.

Councilor Buehner said it would be easier to look at the northern two alternatives rather than the southern one due to issues relating to being outside the urban growth boundary. She said the other issue is the viability of getting this land. She said the development that has occurred could make the right of way very expensive and asked for an estimate on the right-of-way cost. Washington County Principal Engineer Knoebel said the corridor location will be known within six months, but the right-of-way details will need to be worked out later. He said as soon as they know the route they will be out purchasing land in the corridor to protect the right of way.

Mayor Dirksen asked the City Engineer for his comments on the alternatives. Engineer Duenas said each has advantages and disadvantages but he noted that Alignment 4D connects to Roy Rogers Road which he felt makes a natural connection to Scholls Ferry Road. Engineer Duenas noted the next Steering Committee meeting was scheduled for August 22, 2007 and they have sought written input from the City of Tigard.



Mayor Dirksen said a letter was being finalized and would be delivered to the Steering Committee meeting the next day by its 12:30 p.m. meeting.

3. DISCUSS STRATEGIES FOR ESTABLISHING A CONTINUING DIALOGUE WITH THE OREGON TRANSPORTATION COMMISSION

City Engineer Duenas said the Council expressed interest in establishing a dialogue with the Oregon Transportation Commission members to raise their level of awareness of the traffic congestion problems on 99W and other state highways in the area. He said Tigard has a vested interest in talks about:

- > Highway 217 Widening Project
- > Hall Boulevard improvements and it being turned over to the City or County
- > Improvements on 99W Implementation Plan require more funding
- > Off-street projects

Inviting the Oregon Transportation Commission members to a Council meeting was suggested. Including only the OTC members who live in the Portland area was discussed. Councilor Sherwood said inviting all members might be more appropriate. Mayor Dirksen agreed that all should be invited soon so Tigard's needs can be made known. Councilor Buehner remarked that some topics, such as off-street projects, are issues in many communities.

Engineer Duenas said he would prepare a letter for Mayor Dirksen's signature inviting all the Oregon Transportation Commissioners to a future Tigard City Council meeting.

4. ANNEXATION ISSUES: REVIEW STATUS OF ANNEXATION PROGRAM OUTREACH AND REVIEW RECOMMENDATIONS REGARDING APPLYING A LOWER DENSITY ZONE TO DEVELOPABLE PROPERTY UPON ANNEXATION

Assistant Community Development Director Bunch introduced this item and said he would report on the status of Annexation Program outreach efforts and Assistant Planner Eng would then present an analysis about whether the City could apply lower density zoning in the Bull Mountain area upon annexation.

Annexation Program Outreach: Assistant Community Development Director Bunch said the City is in the process of implementing Council's direction to extend annexation invitations to property owners within 100 feet of the City's boundary. He said staff mailed 500 letters letting these property owners know of the benefits of annexation and describing the incentives, and a few hundred more letters are expected to be mailed next week. He indicated that City staff could be more proactive but there was a lot of

other work for them to do to implement Council's goals. He suggested that staff complete the mailings and if any property owners are interested in annexation then staff would meet with them. He said there have been no takers except for an annexation that is being processed for development purposes.

Councilor Sherwood said, "There was not a goal this year to annex property on Bull Mountain. I don't feel staff should be going out and trying to get people into the City." She said, "I don't want to spend any more staff time on this when we've got a Comp Plan... and a Downtown to do."

Mayor Dirksen said he agreed with both sides. He suggested that staff follow up on anyone expressing interest and that there was a duty to encourage what the City thinks is best. He said, "We set this program in motion and I think we should follow it through." He said he was not surprised that there was not a lot of response yet. He said the current level of energy the staff was putting into this is adequate due to their higher priorities.

Councilor Buehner said people tend to procrastinate and as the ending of the incentive program nears, there might be more interest.

Mayor Dirksen said the situation might be different if the City sees opportunities in specific properties because of other needs such as expanding the reservoir or adding to the Cach Creek park property.

Council direction is for staff to finish their efforts with mailings and to process any requests that come in.

Applying Lower Density Residential Zones to Property upon Annexation: Assistant Planner Eng noted that Mayor Dirksen had asked staff to investigate the possibility of applying a lower density to developable property when it is annexed to the City. She said that after researching the necessary procedures, staff recommends against this proposal and that a better and more effective way to achieve lower density on Bull Mountain would be through the Comprehensive Planning process.

Assistant Planner Eng said the Tigard Municipal Code allows for zoning changes upon or after annexation through a process which would include either a Zone Map amendment or a Comprehensive Plan amendment. However, the zone change that has been proposed is one that would go into effect immediately upon annexation, which is counter to current policies in effect such as the Development Code, the Comprehensive Plan, the Metro Regional Functional Plan and the Tigard/Washington County Urban Planning Area Agreement (UPAA) and the State/Metro Housing Rule. She said it was also doubtful that the State and Metro would support significant Plan, Code and UPAA amendments or the incremental approach of initiating Plan and Zoning map amendments for individual, newly annexed properties. She said it might not be an

effective way to lower residential densities on Bull Mountain. Assistant Planner Eng said there were potential benefits but they were not guaranteed, such as:

- > It might provide an incentive to annex because as larger lots become less common, and developers might want to develop at a higher density.
- > There is a perception that annexing to Tigard automatically results in higher density than in the County, which is not necessarily true. This addresses those concerns.
- > The proposal might provide more low-density residential living opportunities in areas where lower density is more suitable due to the neighborhood characteristics or topography.

Assistant Planner Eng said there are many constraints to developing this change, including obtaining approval from many levels of government, including Washington County, State of Oregon and Metro.

Mayor Dirksen asked, "Are you saying that before we could implement a change we would have to go to these agencies and request their approval?"

Assistant Community Development Director Bunch said that in order to change the procedure Tigard would have to do some major legislative amendments. He said the City has to prove to Metro that agreed upon housing targets would not be affected. He also said the City and County have coordinated density plans and this would need to change.

Assistant Community Development Director Bunch said that for these reasons, the task would be complex yet the outcome would not be very significant because there is not that much land up there. Mayor Dirksen asked staff how much land would be impacted. Mr. Bunch said less than 50 acres.

Mayor Dirksen asked if this could be done as part of the Comprehensive Plan Update, noting that as the Comprehensive Plan is changed for the downtown, with mixed-use residential being added as well as a residential component in the Tigard Triangle, it might make up for housing units lost as a result of re-zoning on Bull Mountain. Assistant Community Development Director Bunch said this could be considered with the Urbanization segment of the Comprehensive Plan, which is near the end of the Update and would occur twelve to fourteen months from now.

Mayor Dirksen asked how long it would take if done as a separate project. Mr. Bunch said it would not be any faster.

Councilor Sherwood expressed concern about a cost/benefit ratio of doing this only for areas coming into the City.

Councilor Buehner asked if the City would be able to do enough analysis in conjunction with the final zoning for the downtown area to know how increased density will affect the citywide density ratio. Assistant Community Development Director Bunch said staff would look at this and calculate a probable range of numbers to meet requirements and provide for a lower density opportunity elsewhere. He said these findings would become part of the Urbanization Chapter of the Comprehensive Plan Update.

Councilor Sherwood asked if this would have to be opened up to other areas of the City besides Bull Mountain, where people want to build on larger lots. Mr. Bunch said if we want to re-zone the areas on Bull Mountain, it would be within a specific geographic area, not necessarily City-wide. Councilor Sherwood said she felt this was overly generous to the people on Bull Mountain yet in her neighborhood there is one and one-half acres with 40 units being built on it. She said the City would be generous to one group but make everyone else keep smaller lots and she did not like this as a policy.

Mayor Dirksen replied that when he asked staff to look into this, his interest was just the feasibility and process, not whether or not it should be policy. He said if Council wanted to consider this as a City policy he thought they would need to look at the City as a whole and find if there were other areas where it would be logical to apply this.

Councilor Buehner said the property between Greenburg and Commercial is an important piece of land and she hoped it would be considered in the process.

The Mayor and Council complimented Assistant Planner Eng on her work making complex process clear and understandable.

## 5. BRIEFING ON LEGISLATIVE PROCESS OF THE COMPREHENSIVE PLAN UPDATE

Associate Planner Wyss briefed Council on the Comprehensive Plan update progress. He said staff has implemented a citizen involvement program consisting of several outreach methods but the primary activity for gathering input has been holding meetings with the Policy Interest Teams. He said the teams formulated draft goals, policies and recommended action measures which were then reviewed by Department Review Teams.

He noted that the Planning Commission decided to allow citizens three minutes of testimony at their workshop sessions and asked Council if they want to do the same.

Councilor Sherwood said, "I think it would be great to allow it. The three-minute limit is a great idea."

Associate Planner Wyss discussed the suggested Comprehensive Plan document outline and Council concurred with the choice to have it organized by Statewide Planning Goals. He said this would make it more clear, easy to use and readable.

Associate Planner Wyss gave Council an update on the first Comprehensive Plan Amendment. He said the Planning Commission held a workshop on July 16. A public hearing for Goal 6 – Environmental Quality, Goal 8 – Parks, Recreation and Open Space, and Goal 13 – Energy Conservation was held last evening. This amendment would be presented at the September 25, 2007 Council meeting and placed on the October 23, 2007 Council Business meeting agenda for a public hearing and Council consideration for adoption.

Councilor Buehner asked, “As we go through each piece, will it immediately be enforced?”

Assistant Community Development Director Bunch said as each chapter or series of chapters is adopted by Council and ordinances are passed, they become effective in 30 days. Mayor Dirksen asked if there was a problem having part of the Comprehensive Plan updated but other parts not updated. Mr. Bunch said the State provides a Post Acknowledgement Plan Amendment Process that allows updating of individual parts of the plan, instituted to ensure plans remain usable and current.

Assistant City Manager Newton asked if staff's intention was to have a wrap-up of the process at the end of the Comprehensive Plan. Associate Planner Wyss said they would.

*At 8:07 p.m. Mayor Dirksen called a five-minute break. The City Council meeting resumed at 8:13 p.m.*

6. DISCUSS MEMBERSHIP STRUCTURE OF THE COMMITTEE FOR CITIZEN INVOLVEMENT (CCI)

Associate Planner Roberts introduced this item for discussion. He noted the Committee for Citizen Involvement (CCI) is the City's officially recognized citizen involvement group whose members are currently drawn from two groups – a small pool of former citizen involvement facilitators and the City's other boards and committees. He said membership from current boards and committees has declined over time. He said another problem is that should any of the four currently serving facilitators resign, there would be none left from which to draw. He said staff recommends changing the membership structure of the CCI and the way members are appointed.

Associate Planner Roberts said the present CCI's small membership base limits the pool of potential members and restricts the participation of Tigard citizens. He said that

by creating at-large positions, citizens who have an interest in public involvement, have experience working in community engagement and who are willing to give their time would have an opportunity to serve on the CCI. He said another important benefit of having at-large positions is the opportunity to build partnerships with under-represented groups in the community. Staff and Committee Recommendations include:

- > Removing the board and committee CCI membership requirement and making board and committee membership voluntary, rather than mandatory.
- > Expanding the CCI's membership to include four at-large members appointed through the City's established application and interview process
- > Emphasizing and encouraging the recruitment and selection of at-large members who reflect the diversity of the community.
- > Including a youth (high school) representative
- > Providing an opportunity for any officially recognized Neighborhood Organization to appoint a representative to the CCI.

Councilor Buehner said she hoped that when the Neighborhood Program is fully implemented the majority of the slots on the CCI can be filled with neighborhood representatives. Assistant to the City Manager Newton said a recommendation from the Neighborhood Program Steering Committee was for each neighborhood to have a CCI representative.

In response to a question from Councilor Buehner about whether Council should consider having a representative from the unincorporated area, Mayor Dirksen said he was not inclined to do that. He said the intent of the CCI is to include members from Tigard neighborhood groups. He said it was a great recommendation to include a youth representative. He said at-large member terms would be good in the interim but there may be a future need to limit the numbers. He suggested that as the group grows and positions are being filled by neighborhood representative, at-large members could campaign to be part of a neighborhood group.

Committee for Citizen Involvement Member Rex Caffall said that bringing in members from outside the committees made sense to him. He encouraged the City to reach out to Pacific Islanders and Latinos. He said teenagers are busy but any involvement from youth is good as they will go back and tell their friends that they have a voice.

Mayor Dirksen asked Assistant City Manager Newton to comment on the recommendations, given her involvement with the CCI. He asked if there should be a limit to the number of people on the CCI. Ms. Newton said she attends most CCI meetings and finds them to be a dynamic group. She said she was supportive and also agreed that over time Tigard should look at drawing more from the neighborhood groups. She said there are presently 13 neighborhoods.

Citizen Caffall said he attends CCI meetings even though he is no longer required to do so as a member of the Planning Commission to attend. He said he shares information with his neighborhood and brings back their input.

7. COUNCIL LIAISON REPORTS

Councilor Buehner reported that the Tigard Water District, at a special meeting, decided to sue the former board.

8. ADJOURNMENT: 8:32 p.m.

Motion by Councilor Sherwood; seconded by Councilor Buehner, to adjourn meeting. The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Sherwood	Yes

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Carol A. Krager, Deputy City Recorder

Attest:

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Mayor, City of Tigard

Date: \_\_\_\_\_

Agenda Item #

Meeting Date

9/25/2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Approval of Municipal Court Judge's Employment Agreement

Prepared By: Nadine Robinson

Dept Head Approval: EAM

City Mgr Approval: CL

### ISSUE BEFORE THE COUNCIL

Shall City Council enter into an employment agreement with Michael J. O'Brien to provide service as Tigard's Municipal Court Judge?

### STAFF RECOMMENDATION

Approve the resolution entering into an employment agreement with Michael J. O'Brien.

### KEY FACTS AND INFORMATION SUMMARY

Judge O'Brien has served as a Tigard Municipal judge since October 1989. The municipal court continues to provide a local forum for resolution of parking, minor traffic, code violation, limited misdemeanor cases and juvenile offenses.

Section 10 of the City Charter designates the municipal judge as an officer of the City. Historically, City Council has set the municipal judge's term of service, the expectations and amount of compensation through resolution. Since 1988, the City has outlined the scope of the judge's duties and established compensation by entering into a personal services agreement with the municipal judge. Based on direction from the Internal Revenue Service, Judge O'Brien's status has been changed to an employee. As a result, an employment agreement is being entered into rather than a personal services agreement.

With approval of this agreement, for the 2007-2008 fiscal year, Judge O'Brien will be compensated \$45,000 to preside over hearings, review and update municipal court rules and procedures, provide an annual court report, complete a court study and conduct research. The agreement is for two years and allows for review of compensation at the end of fiscal year 2008-2009 or if caseload or other projects result in extended judicial hours.

### OTHER ALTERNATIVES CONSIDERED

None.

### CITY COUNCIL GOALS

None.

### ATTACHMENT LIST

Resolution  
Employment Agreement

### FISCAL NOTES

Sufficient funds are included in the 2007-2008 budget



CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING AN EMPLOYMENT  
AREEMENT WITH MICHAEL J. O'BRIEN, MUNICIPAL COURT JUDGE

---

WHEREAS, Section 10 of the Tigard City Charter provides for the office of Municipal Judge and Section 21 establishes the judge as an officer of the City; and

WHEREAS, Michael O'Brien served as a Municipal Court Pro-tem Judge from October 23, 1989 to June 30, 1992 and has served as Municipal Judge since July 1, 1992; and

WHEREAS, the Tigard City Council has found Judge O'Brien's performance to be satisfactory; and

WHEREAS, the new agreement changes the Judge's employment status from independent contractor to employee as directed by Internal Review Service.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: An employment agreement is entered into by mutual agreement of the parties as set forth in the attached Exhibit "A." This agreement will take effect September 25, 2007, and shall repeal and replace all prior verbal and written agreements.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

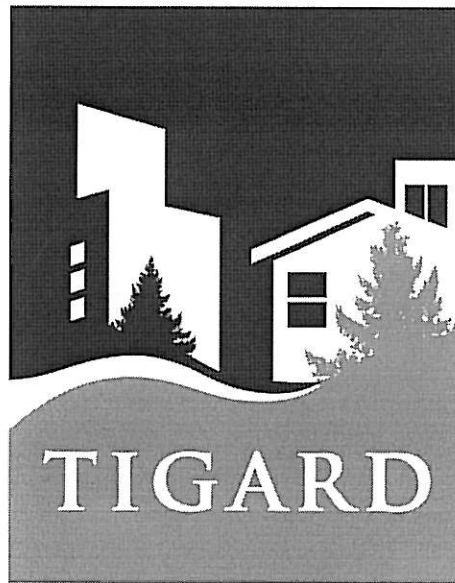
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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard



**CITY OF TIGARD EMPLOYMENT  
AGREEMENT**

# **CITY OF TIGARD EMPLOYMENT AGREEMENT**

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# **City of Tigard Employment Agreement**

## **Introduction**

This Agreement, made and entered into this 25<sup>th</sup> day of September by and between the City of Tigard, Oregon, a municipal corporation, (hereinafter called "City") and Michael J. O'Brien, (hereinafter called "Employee"), both of whom agree as follows:

## **Section 1: Term**

- A. The term of this Agreement shall be for two years, commencing on September 25, 2007. This Agreement shall automatically be renewed on the Anniversary Date for a one year term unless notice that the Agreement shall terminate is given at least 60 calendar days before the Anniversary Date.
- B. The Anniversary Date of this Agreement shall be September 25, 2008 and annually thereafter.

## **Section 2: Employment, Duties, and Authority**

The City agrees to employ Employee as Municipal Court Judge to perform the functions and duties of that position. The authority of Employee, consistent with State law, City Charter or ordinance, shall include, but not be limited to the following:

- Preside over arraignments, trials, and hearings for the following case types: civil infractions, criminal cases, juvenile violations, traffic violations, tow hearings and parking citations;
- Oversee the Municipal Court judicial function;
- Update court orders and rules as needed;
- Provide an annual report to City Council;
- Research and additional projects as agreed to by the Municipal Court Judge and Administrative Services Manager.

## **Section 3: Compensation**

- A. Base Salary: The City agrees to pay the Employee an annual salary of \$45,000 for approximately 525 hours of work, in installments at the same time and in the same manner that the other employees of the City are paid.
- B. At any time during this agreement, if the court's caseload changes significantly, and results in a substantial change in the Employee's hours, both parties agree to negotiate an appropriate adjustment in the Employee's compensation.

#### **Section 4: Hours of Work**

The hours in which court are held is set by Order. If court will be held outside of the pre-determined hours it will be with the consent of the Employee or a pro tem judge will be assigned. The City recognizes the Employee will be working hours, outside of those indicated in the Order, on administrative functions and special projects.

#### **Section 5: Performance Evaluation**

The City Council may conduct performance evaluations of the Employee as they deem appropriate.

#### **Section 6: Vacation Leave**

To allow the Employee the opportunity to schedule vacation during a fiscal year, the City will compensate a pro tem judge for up to 16 hours of service to preside over court. The time does not accrue from fiscal year-to-fiscal year.

#### **Section 7: Professional License and Professional Development**

- A. The Employee is required to maintain a current license with the Oregon State Bar and be a member in good standing. If Employee does not maintain his license or is not in good standing his employment may be terminated without 60 days notice.
- B. The City encourages the professional growth and development of the Employee and encourages participation in seminars and conferences related to his duties as Municipal Court Judge. The City agrees to pay for associated expenses to the extent that the expenses are reasonable and necessary, as determined by the City, subject to availability of funds and as approved in the City's annual budget.

#### **Section 8: Termination**

As provided by Section 2.16.020 of the Tigard Municipal Code, removal of the Municipal Court Judge by the Mayor shall require the prior consent of a majority of the full Council recorded at a public meeting. Cause shall not be required for removal of the Municipal Court Judge.

#### **Section 9: Resignation**

Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time, subject only to the provisions set forth in this Agreement. In the event that the Employee voluntarily resigns his position with the City, the Employee shall provide a minimum of 60 days notice in order to resign in good standing with the City, unless the parties agree otherwise.

## **Section 10: Indemnification**

To the full extent permitted by law, the Employer shall defend, save harmless and indemnify the Employee against any tort, administrative proceeding or action, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring within the course and scope of the Employee's duties as Municipal Court Judge unless the act or omission involved gross negligence or willful or wanton conduct under which circumstance the Employee shall be responsible for any and all damages, costs and fees caused by the misconduct or gross negligence himself. The Employee's actions within the course and scope of his employment shall be indemnified by the City until the statute of limitations has expired without regard to his continued employment with the City.

Legal representation, provided by the Employer for the Employee, shall extend until a final determination of the legal action including any appeals brought by Employer or other party. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available.

The Employee recognizes that the Employer shall have the right to compromise or settle any claim, suit, proceeding or action.

## **Section 11: Other Employment**

The Employee may accept other employment, including assignment as a pro-tem judge other courts, provided that such employment does not interfere with his duties as Municipal Court Judge as set forth herein.

## **Section 12: Other Terms and Conditions of Employment**

The City may fix such other terms and conditions of employment relating to the performance of the Employee, as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Tigard Charter or any other law.

## **Section 13: Notices**

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) CITY: Craig Prosser, City Manager  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, Oregon 97223
- (2) EMPLOYEE Michael J. O'Brien  
PO Box 711  
Forest Grove, OR 97116

Alternatively, notice required pursuant to this Agreement may be personally delivered.

#### **Section 14: General Provisions**

- A. **Integration.** This Agreement sets forth and establishes the entire understanding between the City and the Employee relating to the employment of the Employee by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated and made a part of this Agreement.
- B. **Binding Effect.** This Agreement shall be binding on the City and the Employee.
- C. **Effective Date.** This Agreement shall become effective on September 25, 2007.
- D. **Severability.** The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.
- E. **Attorneys Fees.** In the event suit or action is instituted to interpret or enforce the terms of this Agreement, the prevailing party shall be entitled to recover from the other party such sums as the court may adjudge reasonable as attorney's fees and court costs prior to settlement, at trial, or upon appeal of such suit or action.
- F. **Modification or Amendments.** No amendment, change, or modification of this Agreement shall be valid unless in writing and signed by the Mayor and the Employee.
- G. **Waiver.** Failure of either party at any time to require performance of any provision of this Agreement shall not limit the parties' rights to enforce the provision or provisions, nor shall any waiver of any breach of any provision or provisions be a waiver of any succeeding breach of the provision itself or any other provision.

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Craig Dirksen, Mayor

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Michael J. O'Brien

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Date

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Date

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Resolution Amending the Committee for Citizen Involvement Membership Structure

Prepared By: Duane Roberts Dept Head Approval: TC City Mgr Approval: CR  
*CDW*

**ISSUE BEFORE THE COUNCIL**

Should Council adopt a resolution amending Resolution No. 05-04 to change the membership structure of the Committee for Citizen Involvement, or CCI, and the way some of its members are appointed?

**STAFF RECOMMENDATION**

Staff recommends Council adopt the resolution amending the membership structure of the CCI to accomplish the following:

1. Make board and committee membership voluntary, rather than mandatory.
2. Expand the CCI's membership to include four at-large members appointed through the City's established application and interview process.
3. Expand the CCI to include a youth (high school) representative appointed through the City's established application and interview process.
4. Explicitly provide the opportunity for each officially recognized Neighborhood Organization to appoint a representative to the CCI.

**KEY FACTS AND INFORMATION SUMMARY**

At its regular August 21, 2007, meeting, Council discussed problems related to the membership of the Committee for Citizen Involvement, which presently consists of former Citizen Involvement Team Facilitators and liaisons from the City's other standing boards and committees. The main problem with the CCI is its small membership base, which limits the pool of potential members and restricts the ability of Tigard citizens to participate. At the conclusion of the discussion, Council directed staff to return with a formal resolution reflecting agreed-upon changes to the CCI's membership structure. These changes are intended to facilitate a fully functional committee.

**OTHER ALTERNATIVES CONSIDERED**

N/A

**CITY COUNCIL GOALS**

Council Goal No. 4: Improve Council/Citizen Communications.



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## ATTACHMENT LIST

Attachment 1: Resolution Amending the Membership of the Committee for Citizen Involvement Membership structure

Attachment 2: Resolution No. 05-04

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## FISCAL NOTES

No City funds are involved.

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION AMENDING THE MEMBERSHIP STRUCTURE OF THE COMMITTEE  
FOR CITIZEN INVOLVEMENT

---

WHEREAS, citizen involvement and two-way communication with its citizens is a City of Tigard priority; and

WHEREAS, State law requires the City to maintain a citizen involvement program that insures the opportunity for citizens to be actively involved in the land use process; and

WHEREAS, the Committee for Citizen Involvement (CCI) is the City's primary public involvement body for land use issues; and

WHEREAS, the CCI's purview also includes the broad array of non land-use public involvement and communication issues; and

WHEREAS, the present membership of the CCI is defined in Resolution No. 05-04 and consists of former Citizen Involvement Team Facilitators and one representative of each active board and committee; and

WHEREAS, Resolution No. 05-04 provides that the CCI can be expanded to include representatives of future Neighborhood Organizations officially recognized as such by the City of Tigard; and

WHEREAS, the City desires to make board and committee membership voluntary, rather than mandatory; and

WHEREAS, the City desires to broaden the Committee's membership to include at-large members for representation of the City's geographic areas and diverse interests and perspectives; and

WHEREAS, the City also desires to expand the Committee's membership to include a youth representative to provide a youth perspective on City communication and public involvement issues of the day' and

WHEREAS, the City desires to explicitly state that each City-recognized Neighborhood Organization has continuing authority to appoint one representative to the Committee.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Membership of the CCI shall continue to include former Citizen Involvement Team Facilitators and one representative from each active board and committee

- SECTION 2: Board and committee participation in the CCI shall be voluntary and encouraged, rather than mandatory.
- SECTION 3: The Membership of the CCI shall be expanded to include four at-large representatives appointed through the City's established application and interview process.
- SECTION 4: The Membership of the CCI also shall be expanded to include one youth representative appointed through the City's established application and interview process.
- SECTION 5: In future, each officially recognized Neighborhood Organization shall be permitted to appoint one representative to the CCI.

This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard

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## CITY OF TIGARD, OREGON

RESOLUTION NO. 05- 04

A RESOLUTION EXPANDING THE MEMBERSHIP OF THE COMMITTEE FOR CITIZEN INVOLVEMENT TO INCLUDE REPRESENTATIVES FROM THE CITY'S ACTIVE BOARDS AND COMMITTEES AND FROM FUTURE NEIGHBORHOOD ORGANIZATIONS

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WHEREAS, citizen involvement and two-way communication with its citizens is highly important to the City of Tigard; and

WHEREAS, State law requires the City to maintain a citizen involvement program that insures the opportunity for citizens to be actively involved in the land use process; and

WHEREAS, the Committee for Citizen Involvement (CCI) is the City's primary public involvement body for land use issues; and

WHEREAS, the Committee's purview has been broadened to include both land use and the broad array of non-land use public involvement and communication issues; and

WHEREAS, the Council in 1993 created the Citizen Involvement Teams; and

WHEREAS, the Tigard Comprehensive Plan Policy 2.1.2.c designates the Citizen Involvement Team Facilitators as the City's Committee for Citizen Involvement; and

WHEREAS, the Citizen Involvement Teams are no long active; and

WHEREAS, the Citizen Involvement Team facilitators are designated as the City's CCI; and

WHEREAS, of the original eleven members, the Committee currently includes only active four members; and

WHEREAS, the City desires to broaden the Committee's membership to include individuals broadly representative of the City's geographic areas and diverse interests and perspectives,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard Committee for Citizen Involvement shall be expanded to include one representative of each active board and committee.

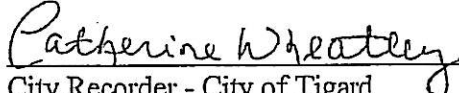
SECTION 2: The City of Tigard Committee for Citizen Involvement can be expanded to include representatives of future Neighborhood Organizations officially recognized as such by the City of Tigard.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 11<sup>th</sup> day of January 2005.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

\\adm\packel\05\eci resolution.doc

Agenda Item #

Meeting Date

September 25, 2007

## **COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title Consider Authorizing Clean Water Services (CWS) to Enter into a Memorandum of Agreement (MOA) with the Bureau of Reclamation on Behalf of the City of Tigard

Prepared By: Dennis Koellermeier Dept Head Approval:  City Mgr Approval: 

### **ISSUE BEFORE THE COUNCIL**

Shall the City Council authorize CWS to enter into a MOA with the Bureau of Reclamation on Behalf of the City of Tigard?

### **STAFF RECOMMENDATION**

Staff recommends the City Council authorize CWS to act on its behalf regarding the MOA.

### **KEY FACTS AND INFORMATION SUMMARY**

#### **Background Information**

- The City of Tigard has been a partner in the Tualatin Basin Water Supply Project since the project's inception in 2001. The City currently owns a 16.35 percent share in the proposed project, which would provide the Tigard Water Service Area up to 15.7 million gallons per day of stored water when built. The City has invested approximately \$820,000 in the project to date.
- CWS has provided project management services on behalf of the water supply partners since 2001.

#### **Third Amendment and Title Transfer Project**

- On August 14, 2007 the Council approved the third amendment to the Joint Funding Agreement for the Tualatin Basin Water Supply Project.
- Included in the amendment was the Title Transfer Project. The project will investigate a title transfer of the Scoggins Dam and Hagg Lake facilities from federal to local control.
- The possible title transfer is expected to expedite the water supply project and lower project costs.
- The amendment authorized payment of up to \$217,445; a portion of this amount will fund the Title Transfer Project.
- The next step in the Title Transfer Project is to negotiate and sign a MOA with the Bureau of Reclamation.

#### **Current Issue**

- To further expedite the title transfer investigation, water supply partners, such as the City of Tigard, are being asked to authorize CWS to enter into a MOA with the Bureau of Reclamation on their behalf.
- Granting CWS this authority would eliminate the need for each partner to consider the MOA individually, a move that is likely to save time and streamline negotiations with the Bureau of Reclamation.
- As with other aspects of the water supply project, CWS will provide project management services related to the possible title transfer.
- Along with CWS, City of Tigard staff would play an active role in working through the terms of the MOA.
- The MOA will only obligate the partners to investigate the title transfer, but will not bind them to complete the transfer. Such a decision would require further action.

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#### **OTHER ALTERNATIVES CONSIDERED**

The Council could decide not to grant CWS the authority to act on the City's behalf. This would either result in some or all of the partners entering into the MOA individually, or, if the City decided not to enter into the MOA, the other water supply partners would likely move forward without the City's participation.

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#### **CITY COUNCIL GOALS**

None

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#### **ATTACHMENT LIST**

1. September 5, 2007 Memo to Tualatin Project Title Transfer Partners
2. Draft Memorandum of Agreement

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#### **FISCAL NOTES**

There are no costs associated with this action. Funding of the Title Transfer Project was included in the third amendment to the Joint Funding Agreement approved by the Council last month.

# **Tualatin Project Title Transfer Partnership**

## **MEMORANDUM**

**Attachment 1**

**Date:** September 5, 2007

**To:** Tualatin Project Title Transfer Partners

**From:** Tom VanderPlaat, Tualatin Basin Water Supply Project Manager

**Subject:** Request Authorization for Clean Water Services to sign the Title Transfer Investigation - Memorandum of Agreement (MOA) with Bureau of Reclamation on behalf of the Tualatin Project Title Transfer Partners.

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The title transfer process began with a resolution to support consideration of Title Transfer from the governing bodies of the repayment contract holders for the existing facilities. These agencies include the Tualatin Valley Irrigation District (TVID), Clean Water Services, the cities of Hillsboro, Beaverton, and Forest Grove, the Lake Oswego Corporation (pending), and Washington County. Other water supply partners including Tualatin Valley Water District and the City of Tigard will participate as well.

The partners involved in the Tualatin Basin Water Supply Project have recently begun consideration of Bureau of Reclamation's Title Transfer Program. The United States Bureau of Reclamation maintains title of all existing facilities of the Tualatin Project (Scoggins Dam, Hagg Lake with adjoining lands, Tualatin Valley Irrigation District facilities, recreational facilities, etc.). The Title transfer program provides for reviewing the elements of transferring title from the US Bureau of Reclamation to local ownership. The potential benefits of Title Transfer include more flexibility and efficiency as a result of local control, and improved integration to meet water resource management challenges.

Reclamation has developed a framework for title transfers as a policy direction for more efficient and effective management of facilities through local ownership. Local water resource agencies involved in the Water Supply Project formed a study committee to determine the feasibility of title transfer and brought their findings to the Tualatin Basin Water Supply Project Policy Steering Committee (PSC) made up of elected and appointed officials from each of the partners in the project. The PSC unanimously recommended that the partners proceed with the investigation of Reclamation Title transfer program.

The next major step for Title Transfer is to negotiate and sign a MOA with Reclamation for the investigation of the Title Transfer and complete various tasks, such as a comprehensive facilities assessment and environmental review. The MOA provides for specific roles and responsibilities for Reclamation and the Partners. The main elements of the MOA are as follows:

1. Contracting with consultants for completing Environmental Review work (NEPA) and other applicable local, state and federal processes.



## **Tualatin Project Title Transfer Partnership**

2. Pay reasonable costs for performing the obligations under the terms of the MOA.
3. Obtain surveys and title searches for facilities to be transferred
4. Define the governance structure for the entity formally designated to receive title.
5. Develop agreements with other entities and/or individuals to define how the existing operations will remain unchanged.

A copy of the draft MOA is attached for your information.

As provided in the Tualatin Basin Water Supply Project - Joint Funding Agreement (JFA), Clean Water Services provides project management (Section 3) services to seek and retain contracted services to complete the various studies and tasks for the Water Supply Project. Due to the need to maintain title transfer schedule and improve efficiency for its completion, it is suggested that Clean Water Services provide project management services for the Title Transfer and be authorized to sign the MOA with Reclamation on behalf of the Water Supply Partners and other Tualatin Project entities (Tualatin Valley Irrigation District, Lake Oswego Corporation and Washington County). The signing of the MOA obligates the partners and entities to investigate Title Transfer, but does not bind them to complete the transfer. The decision to complete the transfer will be part of a future action. The funding of the title transfer investigation is in the existing approved JFA budget.

Clean Water Services has provided the project management services on behalf of Tualatin Basin Water Supply Partners since 2001. These services included hiring contracted services to complete the studies and tasks for the Water Supply Feasibility Study and the Draft Planning Report/Environmental Impact statement (PR/EIS). A key element for both the Study and PR/EIS has been the coordination with Reclamation for a variety of project elements. The Partner's staff members will continue to assisting with selection and review of contracting services and other project processes.

The requested action is to authorize Clean Water Services to sign the MOA on behalf of the Tualatin Project Partners with Reclamation for the investigation of Title Transfer.

Reclamation Agreement No.: \_\_\_\_\_

**MEMORANDUM OF AGREEMENT**  
BETWEEN  
UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION, LOWER COLUMBIA AREA OFFICE  
AND  
THE TUALATIN PROJECT TITLE TRANSFER PARTNERS

***PRELIMINARY DRAFT – August 21, 2007***

This Memorandum of Agreement (MOA) is made pursuant to the Reclamation Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, between the UNITED STATES OF AMERICA, acting through the Lower Columbia Area Office, Bureau of Reclamation, Department of the Interior, hereinafter referred to as Reclamation, and the TUALATIN PROJECT TITLE TRANSFER PARTNERS (PARTNERS), a group of entities involved in water supply/management issues in the Tualatin River basin and organized under the laws of the State of Oregon., hereinafter referred to as the Partners.

WHEREAS, the Partners as defined in this MOA include the following entities: Tualatin Valley Water District (TVWD) and the cities of Hillsboro, Beaverton, Forest Grove, and Tigard, who together make up the Joint Water Commission (JWC); Tualatin Valley Irrigation District (TVID); Clean Water Services (CWS); Lake Oswego Corporation; and Washington County; and

WHEREAS, the Partners intend to seek Congressional authorization to transfer all rights, title, and interest held or claimed by the United States in and to any portion of the dam, reservoir, pumping stations, distribution systems, recreational facilities and associated lands and rights-of-way and any other portion of the Tualatin Project, including water rights and mineral rights held by the United States for the benefit of TVID, the cities of Hillsboro, Beaverton and Forest Grove, CWS, Lake Oswego Corporation and Washington County; and

WHEREAS, the Partners include TVID, the cities of Hillsboro, Beaverton and Forest Grove, CWS, Washington County, and Lake Oswego Corporation, entities which have entered into repayment and other contracts with the United States and which are currently making or have made payments in accordance with such contracts for storage capacity and/or recreational facilities in the Tualatin Project reservoir, construction of pumping and distribution systems, conveyance of water, and/or operation of such facilities; and

WHEREAS, the Partners and Reclamation have been cooperating on studies to assess alternatives for meeting future water supply needs in the Tualatin River basin and are currently working on a Draft Planning Report/Environmental Impact Statement (PR/EIS) to evaluate alternatives involving a potential dam raise at Scoggins Dam, a feature of Reclamation's Tualatin Project; and

WHEREAS, the Partners have requested that Reclamation consider title transfer with or without a dam raise project, in order to gain greater local control and autonomy with a goal of localizing Project decisions.

WHEREAS, Reclamation intends to request the public's assistance in identifying issues and concerns associated with the proposed action of title transfer as required by the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321, et. seq. (hereinafter referred to as NEPA), through a scoping letter and will receive comments from interested parties to the proposed transfer; and

WHEREAS, Reclamation and the Partners intend to prepare environmental reports and other documents to support Reclamation's completion of NEPA analysis, documentation, and compliance for the proposed transfer; and

WHEREAS, Reclamation has the ultimate responsibility to conduct the environmental analyses associated with NEPA compliance and has adopted guidelines for such analyses; and

WHEREAS, Reclamation represents to the Partners that, at this time, Reclamation has no specific authorization or funds appropriated for paying costs associated with this proposed title transfer; and

WHEREAS, the Partners intend to seek Congressional authorization and appropriation of funds necessary to accomplish the proposed title transfer; and

WHEREAS, the Partners and Reclamation agree to proceed with the proposed title transfer process in accordance with Reclamation's August 1995 Framework for the Transfer of Title.

NOW THEREFORE, the parties agree as follows:

## **I. Implementing Actions**

### **1. The Partners, subject to Reclamation's review as appropriate, will:**

a. As necessary, contract with a consultant, to be reviewed with Reclamation, to conduct appropriate activities to prepare environmental reports for Reclamation's use in completing NEPA analysis and preparing NEPA documentation on the proposed title transfer, and comply with ESA, NHPA, and other applicable State and Federal laws as required.

b. Pay for Reclamation's reasonable costs in performing its obligations under this MOA, or performing any other activities as mutually agreed to by the parties in the manner hereinafter provided, with the exception of costs specifically defined as to be paid by Reclamation in Sections III.a and III.b of this MOA.

c. Obtain the necessary surveys and title searches for the facilities and rights-of-way to be transferred.

d. Define the governance structure for the entity formally designated to receive title, including: delineations of roles and responsibilities of Partner members within such entity; and designate specific Partners which may receive title to specific facilities, properties, rights, and/or interests, if any. The Partners will also establish and formalize a governance structure that is approved by the Secretary and the State of Oregon, and provide Reclamation with a copy of the documentation that evidences the related agreement among the Partners.

e. As necessary and appropriate, develop agreements with other entities and/or individuals to define how operations will remain unchanged, or the degree to which they will change, as projected for the period after the proposed transfer, including but not limited to: Project operations and maintenance; recreational facilities and operations; flood control operations;

mitigation responsibilities; cultural resource protections; dam safety procedures; interactions with private landowners; and other issues that may be mutually identified by the parties during the title transfer process.

f. Provide, for Reclamation's review and consideration, an initial definition of specific water rights and mineral rights which the Partners intend for inclusion in the proposed title transfer.

**2. Reclamation, in cooperation with the Partners, will:**

a. Plan and complete all measures necessary for compliance with NEPA, including NEPA analysis, preparing NEPA documentation, and any and all other necessary compliance activities relative to the proposed transfer. Reclamation and the Partners agree that the development of an environmental assessment (EA) that will adequately fulfill Reclamation's NEPA obligations for the title transfer. Reclamation will make the final determination for meeting its NEPA obligations. The EA will provide for a review of the processes and programs for the Draft PR/EIS to evaluate alternatives involving a potential dam raise at Scoggins Dam, a feature of Reclamation's Tualatin Project. The review will address the effects of a dam raise under local ownership versus federal ownership. Reclamation recognizes that the Partners have an interest in maintaining a timely schedule for the title transfer.

b. Monitor the work of the Partners and/or any consultants engaged by the Partners to ensure compliance with procedural requirements of NEPA, ESA, NHPA, and other State and Federal laws applicable to the proposed transfer.

c. Review environmental report documentation prepared by the Partners/consultants to determine the sufficiency of the information for Reclamation to conduct the appropriate level of NEPA compliance, analysis, and documentation for the proposed transfer. As lead agency for NEPA compliance, final NEPA documentation will be the responsibility of Reclamation.

d. Communicate with the U.S. Fish and Wildlife Service and the NOAA Fisheries Service as appropriate and necessary to comply with Section 7 of the Endangered Species Act, request and pursue consultation.

e. Identify and/or inventory and consult with Tribes on Indian Trust resources and Traditional Cultural Properties impacted by the proposed transfer. In accordance with Section 106 of the NHPA, NAGPRA, and other applicable historic properties and cultural resources law or regulation, Reclamation will ensure the completion of any additional cultural resources investigations necessary to identify significant cultural resources on the subject lands, and prior to transfer will ensure that any adverse effects of transfer of Federal lands or easements to a non-Federal entity are appropriately addressed.

f. With the exception of those records that may be withheld pursuant to the exemptions under the Freedom of Information Act or pursuant to Reclamation security restrictions, make available to the Partners all records pertinent to: the design, construction, and operations and maintenance for Tualatin Project facilities; associated rights-of-way, easements, and real property; and third-party agreements to be included in the proposed transfer.

g. Perform other technical or administrative tasks associated with the proposed transfer as mutually agreed to in advance in writing by both parties.

- h. Seek prior approval from the Partners, to contract with another person or entity for any of Reclamation's obligations herein, and such costs, including Reclamation's actual costs for administering the contracts, except as excluded below, shall be paid by the Partners.
- i. Ensure that all contracts or obligations entered into by Reclamation relating to this MOA contain provisions for cancellation, wherein the contracts or obligations may be terminated at any time upon the written request of the Partners, and the Partners will only be responsible for costs and expenditures incurred up to the date of termination.
- j. Provide copies, if requested, to the Partners of all contracts, documents, invoices, and other writings which evidence obligations pursuant to this MOA.
- k. Ensure that the costs billed to the Partners by Reclamation and any other person or entity Reclamation contracts with to perform any of the obligations pursuant to this MOA, including Reclamation's actual costs of administering the contracts, shall be actual and reasonably necessary costs incurred to complete the proposed transfer activities.
- l. Provide the Partners cost billings quarterly, or more frequently if requested by the Partners, until the proposed title transfer investigation is complete. With each cost billing, Reclamation will itemize costs for all work performed and materials used in performing obligations under this MOA.
- m. Within 30 days of the signing of the MOA, Reclamation will provide an overall work plan including a scope of work and project schedule for the title transfer investigation process. No less than seven (7) days prior to the first of each quarter, Reclamation will, upon request, provide the Partners with an itemized cost list of Reclamation's estimated actions and expenses for the upcoming quarter, including a list of all activities to be performed, all Reclamation or contract personnel to perform such activities together with their hourly rates, beginning and ending dates and total time to perform each activity, and all materials and materials costs. If acceptable to the Partners, the Partners shall promptly provide Reclamation with written notification of approval together with a remittance of sufficient funds to pay the approved costs. If not acceptable to the Partners, the Partners and Reclamation shall consult prior to the first of the quarter to resolve issues pertaining to the cost list.
- n. Conduct a final asset valuation to finalize the June 16, 2006 preliminary valuation and to determine the value of the project features proposed for transfer and any revenue streams thereof, and negotiate with the Partners regarding adjustments to the value if appropriate.
- o. Provide for, if required, an independent financial review of any adjustment to the asset value.
- p. Complete an environmental site assessment (hazardous materials survey) of facilities and associated real property and rights-of-way proposed for transfer.
- q. Prepare a complete list of all Tualatin Project features that will be transferred should the Partners agree to pursue title transfer subject to IIb.

## **II. Areas of Mutual Responsibility**

- a. The Partners and Reclamation will appoint principal contacts (*See* section VII of this MOA) to coordinate activities necessary to complete the proposed transfer. All requests relating to the proposed transfer described under this MOA will go through the principal contacts.



b. The Partners and Reclamation will ensure completion of all activities required to comply with NEPA, ESA, NHPA, and other State and Federal laws applicable to the proposed transfer, including development of an inventory of facilities, lands, rights-of-way, easements, and other elements proposed for transfer to serve as a basis for the proposed action to be analyzed during NEPA compliance.

c. The Partners and Reclamation will provide for public notice as deemed necessary and appropriate by both parties to comply with NEPA.

d. The Partners and Reclamation will cooperate to evaluate how aid to irrigation (ability to pay) and preference rates for pumping power would be affected by title transfer, including communications with Bonneville Power Authority. Reclamation will determine the legal and policy controls that will ultimately govern viable approaches for addressing these issues.

e. To the degree that funding is available, Reclamation will cooperate with the Partners on investigations and/or other assessments of existing facilities that may be relevant to potential negotiations regarding future costs for facility upgrades that may be anticipated with or without a title transfer.

f. The Partners and Reclamation will cooperate to identify and evaluate specific liability issues relevant to the proposed title transfer, and to work toward reaching an agreement as to how such liability issues will be addressed.

g. The Partners and Reclamation will cooperate to identify and evaluate specific water rights issues relevant to the proposed title transfer, and to work toward reaching an agreement as to how such water rights issues will be addressed.

h. The Partners and Reclamation will cooperate to develop and agree to an inventory list of facilities to be transferred and an understanding of operations and maintenance tasks and costs as experienced for recent Project operations.

i. The Partners and Reclamation will cooperate to develop and agree on an approach for implementing appropriate cultural resource and historic property surveys and consultations.

j. The Partners and Reclamation will cooperate to conduct the proposed transfer investigation process in a manner that ensures appropriate public and landowner participation, as deemed necessary and appropriate under NEPA requirements.

k. Should the activities described in this MOA lead to a mutual intent for the Partners and Reclamation to implement a title transfer if so directed by Congress, the parties will work to develop a Transfer Agreement that defines the terms and conditions of the transfer and which can serve as a reference for related transfer legislation.

l. In the event that Congress directs Reclamation to transfer title as contemplated in this MOA and a future Transfer Agreement, Reclamation will prepare a quitclaim deed to transfer title to the relevant facilities, real property, and rights-of-way from the United States to the Partners. If the Partners or Reclamation become aware of additional facilities, real property, and/or rights-of-way at a later date that both parties agree are within the original intent of the title transfer, such facilities, real property, and/or rights-of-way will be transferred accordingly.

m. The Partners and Reclamation agree that any of the responsibilities of either party under this MOA may become the responsibility of the other party if agreed to by both parties in writing, unless prohibited by law or regulation.

n. The Partners and Reclamation agree that payment in advance for Reclamation costs or completion of any or all aspects of this MOA does not guarantee that title will be transferred for any or all of the relevant facilities, real property, and rights-of-way named in this MOA or that transfer of title will be approved by Reclamation and/or the Congress of the United States.

o. Within the first 10 days of each ensuing month, the Partners will provide Reclamation's principal contact listed in Section VII, Principal Contacts, with an itemized list of costs incurred the month prior on the proposed transfer of title investigation. This itemized list shall be sent each month until the proposed title transfer investigation is complete, and must itemize costs incurred by the Partners by category, expenditures for the month, and total costs to date. Once received, Reclamation will compare the Partners' itemized list of costs to costs incurred by Reclamation to ensure the Parties are meeting the intent established under Section III, Areas of Mutual Agreement. At the end of each quarter, Reclamation will determine if additional funds are needed to cover Reclamation's estimated expenses for the upcoming quarter, and if so, a Bill for Collection will be sent to the Partners, as outlined in provision IV.c, Budget and Payment, Advance Payment.

### **III. Areas of Mutual Agreement**

a. All necessary and reasonable costs of complying with NEPA incurred as a direct result of pursuing title transfer investigation shall be paid in equal shares by Reclamation and the Partners.

b. All costs of performing environmental site assessments (hazardous material surveys) incurred as a direct result of pursuing title transfer investigation shall be paid by Reclamation.

c. All administrative costs not addressed in (a) and (b) above which have been mutually agreed to by the parties shall be paid by the Partners.

d. Reclamation agrees to allocate such funds as may be available for the performance of tasks that are defined under this MOA as tasks for which costs are to be paid by Reclamation. If Reclamation does not have allocated funds for their share, the Partners may advance funds to Reclamation. Reclamation shall credit the Partners' for any funds the Partners advance and apply the credit toward the final title transfer payment in the title transfer agreement.

e. Reclamation agrees to take the necessary steps to minimize costs for activities associated with the proposed title transfer investigation.

### **IV. Budget and Payment:**

a. Authority. Reclamation may provide the services outlined in this MOA pursuant to the Intergovernmental Cooperation Act, 31 U.S.C. § 6505, and OMB Circular A-97, as well as related laws, rules, regulations and orders. Reclamation may receive – and may expend funds received – for investigations and other work involving operations similar to those provided for by the Reclamation law pursuant to the Contributed Funds Act of 1921, 43 U.S.C. § 395.

b. Application of Contributed Funds. Funds contributed by the Partners will be used to pay for costs incurred by Reclamation associated with the implementing actions as described in this MOA.

c. Advance Payment. The Partners agree to provide payment in advance of Reclamation's performance of tasks outlined in this MOA. Funds contributed by the Partners will be used to pay for costs incurred by Reclamation associated with the proposed title transfer investigation as described herein. Bills, statements, and correspondence associated with this MOA shall be directed to:

*(PARTNERS' contact to be determined)*

d. Separate Account. Reclamation shall deposit funds contributed by the Partners under this MOA into a Reclamation reimbursable account for use on the "TUALATIN PROJECT Proposed Title Transfer" project. Reclamation shall at all times hold the Partners funds separate from all other funds and shall not commingle said funds with any other funds. The Partners shall submit an initial advance payment of \$5,000 for this account and shall deposit funds in this account by the end of each quarter in order to reestablish a positive balance of not less than \$1,000, and no more than the anticipated costs for the upcoming quarter.

e. Insufficient Payment. In the event that funds contributed by the Partners are not sufficient to cover all costs incurred by Reclamation, or if this MOA is terminated by either party, Reclamation will cease work to the extent possible and notify the PARTNERS of the deficiency. The Partners will be responsible for costs incurred by Reclamation for all activities that Reclamation is unable to cancel after reasonable diligence.

f. Address for Return of Funds to the Partners. Reclamation shall return unexpended funds after the termination or expiration of this MOA to the Partners to:

*(Partners' contact to be determined)*

g. Address to Send Payments to Reclamation. The Partners shall make all payments payable to Bureau of Reclamation. The Partners shall notify Reclamation of each deposit by sending notification via email to \_\_\_\_ (*Reclamation contact to be determined*). The Partners shall remit all payments to Reclamation's lockbox at:

Bureau of Reclamation  
PN Region: Pacific Northwest  
PO Box 894240  
Los Angeles, CA 90189-4240

## **V. Modifications**

Modifications to this MOA shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by the parties, prior to any changes being made. Proposed modifications that may affect pending legislation will be reviewed by Reclamation and the Partners to determine if it is appropriate to advise Congress before effecting such changes, at each party's discretion.

## **VI. Period of Performance**



This MOA shall become effective on the date of last signature hereto and shall remain in effect until (date to be determined) or upon full execution of a title transfer agreement, whichever occurs earlier, unless renegotiated and/or renewed, in writing, by mutual consent of both parties. Either party may terminate its obligations and duties under this MOA at any time upon thirty (30) days written notice to the other party. All duties and obligations of both parties under this MOA will cease at that time except as the MOA provisions relate to outstanding accounting and reimbursement of the parties' expenses.

## VII. Principal Contacts

The principal contacts for this MOA are:

Reclamation  
(to be determined)

Partners  
(to be determined)

## VIII. General Provisions

- a. Reclamation and the Partners pledge their individual good faith to seek prompt and fair agreement on all issues relating to the proposed transfer.
- b. The Partners agree that the following language will be incorporated in any legislation language submitted to Congress and that inclusion of this language into law will be actively supported:

“Effective on the date of the conveyance of the facilities described in Section \_\_\_\_\_, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).”

- c. The Partners agree that the following language be incorporated into any quitclaim deed:

(i) Grantee accepts these facilities, premises, and appurtenances “as is.”

(ii) CERCLA Environmental Covenants and Stipulations:

1. Grantee stipulates that it would be a potentially responsible party, should a release have occurred on relevant real property and rights-of-way during Grantee's operation of the facilities under contract with the Grantor.
2. To the extent the United States is determined responsible, and to the extent allowed, Grantor warrants that any response action or corrective action found to be necessary after the date of the transfer shall be conducted by the United States.
3. Grantee grants the United States access to relevant property in any case in which a response action or corrective action is found to be necessary by the United States after such date at such property, or such access is necessary to carry out a response action or corrective action on adjoining property.

d. Nothing herein shall be construed to obligate Reclamation to expend or involve the United States in any contract or other obligation for the future repayment of money in excess of appropriations authorized by law and administratively allocated for the purposes and projects contemplated hereunder.

e. No Member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or be part of this MOA or receive any benefit that may arise out of it other than as a water user or landowner in the same manner as any other water user or landowner.

### **Signatures**

**IN WITNESS WHEREOF**, the parties hereto have executed this MOA as of the last date written below.

UNITED STATES OF AMERICA

\_\_\_\_\_  
Ronald J. Eggers, Area Manager  
Lower Columbia Area Office  
Bureau of Reclamation

\_\_\_\_\_  
Date

### **Clean Water Services**

\_\_\_\_\_  
Bill Gaffi, General Manager

\_\_\_\_\_  
Date

STATE OF IDAHO )

:ss

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2007, personally appeared before me \_\_\_\_\_, to me known to be the official of the **UNITED STATES OF AMERICA** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the  
State of Idaho  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF OREGON       )  
County of Washington    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2007, personally appeared before me \_\_\_\_\_, to me known to be the official of the **PARTNERS** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Partners, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my official seal the day and year first above written.

(Seal)

\_\_\_\_\_  
Notary Public in and for the  
State of Oregon  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Agenda Item #


Meeting Date

September 25, 2007

## LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Award a Construction Contract for the 550-Foot-Zone Reservoir No. 2 and Elizabeth Price Park

Prepared By: Dennis Koellermeier Dept Head Approval:  City Mgr Approval: \_\_\_\_\_

### ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board award a public improvement contract for the construction of the 3-million-gallon, 550-Foot-Zone Reservoir No. 2 and Elizabeth Price Park to Emery and Sons Construction Inc. and authorize staff to execute the contract.

### STAFF RECOMMENDATION

Staff recommends the Local Contract Review Board award the public improvement contract to Emery and Sons Construction Inc. in the amount of \$5,786,584.

### KEY FACTS AND INFORMATION SUMMARY

- The May 2000 Water Distribution System Hydraulic Study recommended two new water storage reservoirs be built to serve neighborhoods at and below the 550-foot elevation on the south and east side of Bull Mountain. Such reservoirs would serve the zone within the Tigard Water Service Area that is currently experiencing the highest rate of development.
- In May 2003 the City Council, acting as the Local Contract Review Board, contracted for engineering services for the design and construction of the 550-Foot Zone Reservoir No. 2 (reservoir).
- The City identified the "Price property," along Bull Mountain Road, as a potential reservoir site. The site allowed for the development of a pocket park atop a buried reservoir.
- In April 2007 the City Council authorized the purchase of the Price property for the purpose of constructing a buried reservoir and "Elizabeth Price Park."
- On August 14, 2007 the City issued an Invitation to Bid for the construction of the reservoir and park. The invitation was advertised in the *Daily Journal of Commerce*, *The Oregonian*, and the *Tigard Times*. The bid opening was conducted on September 11, 2007 and the bid results are as follows:

Bidder	Bid Amount
<b>Engineer's Estimate</b>	<b>\$ 6 million</b>
Emery and Sons Construction Inc.	\$5,786,584
Kerr Contractors Inc.	\$5,940,213
Ward Henshaw Construction Company Inc.	\$6,107,972
Skaar Construction Inc.	\$6,178,000

- Staff has conducted a review of these bids and has determined Emery and Sons Construction Inc. has submitted the lowest responsive bid.

- Staff recommends Emery and Sons Construction Inc. with a bid of \$5,786,584 be awarded the contract for the construction of the 3-million-gallon, 550-Foot Zone Reservoir No. 2 and Elizabeth Price Park.

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#### **OTHER ALTERNATIVES CONSIDERED**

The Local Contract Review Board could choose not to award the contract to Emery and Sons Construction Inc. and could direct staff on how to proceed with the project.

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#### **CITY COUNCIL GOALS**

None

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#### **ATTACHMENT LIST**

None

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#### **FISCAL NOTES**

The project is expected to take two years to complete. The first year will primarily be reservoir construction and rough site grading. The second year is expected to primarily consist of park construction and installation of water pipe along Bull Mountain Road. The City has budgeted \$4.4 million in fiscal year 2007-2008 and \$1.66 million in fiscal year 2008-2009 from the Water CIP, Water SDC, and Park SDC Funds. The contract amount for this project is \$5,786,584. Therefore, adequate funding exists for this project.

Agenda Item #  
Meeting Date

September 25, 2007

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Workshop for Comprehensive Plan Amendment (CPA) 2007-00001

Prepared By: Darren Wyss Dept Head Approval: TC City Mgr Approval: CR

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**ISSUE BEFORE THE COUNCIL**

Review and discuss with staff, proposed Comprehensive Plan goals, policies, and recommended action measures recommended by the Planning Commission at their August 20, 2007 public hearing (CPA2007-00001).

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**STAFF RECOMMENDATION**

Council is requested to become familiar with the Commission's recommendation to adopt Comprehensive Plan goals, policies, and recommended action measures pertaining to parks and recreation; air, water and land resource quality, and energy; and identify any additional material or information to assist in making its decision at a public hearing scheduled for October 23, 2007.

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**KEY FACTS AND INFORMATION SUMMARY**

- City Council directed staff to complete a full update of the Tigard Comprehensive Plan, including a process for garnering citizen input.
- Staff completed the *Tigard 2007* resource document that detailed current conditions in the City and also summarized the results of recent surveys and work completed during the visioning process.
- Staff utilized the *Tigard 2007* resource document, past citizen surveys and Tigard 2020 Vision reports to work with Citizen Policy Interest Teams (PITs) and citizen advisory boards to develop draft Comprehensive Plan goals, policies, and recommended action measures for parks and recreation; air, water and land resource quality; and energy.
- The updated Plan Chapters were reviewed by "Department Review Teams" to determine conformance with applicable laws and technical considerations.
- The Planning Commission held a workshop on July 16, 2007 to review and discuss the updated Comprehensive Plan chapters.
- The Planning Commission held a public hearing on August 20, 2007 and recommended to Council the adoption of the updated Comprehensive Plan chapters (CPA2007-00001).

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**OTHER ALTERNATIVES CONSIDERED**

Not applicable.

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**CITY COUNCIL GOALS**

Goal 1: Comprehensive Plan

A. Updating the blueprint for the City

B. Public Input

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**ATTACHMENT LIST**

Exhibit A: Memo to Council dated September 11, 2007

Exhibit B: Proposed language for CPA2007-00001

B1: Environmental Quality

B2: Energy Conservation

B3: Parks, Recreation, Trails, and Open Space

Exhibit C: Planning Commission Meeting Minutes – August 20, 2007

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**FISCAL NOTES**

Not Applicable





## MEMORANDUM

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TO: Mayor Craig Dirkson and Members of City Council

FROM: Darren Wyss, Associate Planner

RE: Council Workshop - CPA2007-00001

DATE: September 11, 2007

At the September 25<sup>th</sup> City Council meeting, staff will present the proposed goals, policies, and recommended action measures (see the end of this memo for definitions and obligations) for the Environmental Quality (Statewide Planning Goal 6), Energy Conservation (Statewide Planning Goal 13), and Parks, Recreation, Trails, and Open Space (Statewide Planning Goal 8) chapters for the updated Comprehensive Plan. The proposed language was approved and recommended by the Planning Commission at an August 20<sup>th</sup> public hearing. Staff will discuss the proposed language, answer questions, and provide any requested information that will help assist Council in making its decision at the October 23<sup>rd</sup> public hearing.

Throughout the process of working with citizens, city departments, and the Planning Commission, staff has stressed that proposed Comprehensive Plan language must be capable of being implemented and in the interests of the whole community.

Staff has worked closely with citizen stakeholders to explain the implications of certain policy recommendations. Most of the time, the process has achieved a consensus outcome. In staff's role as facilitators, we presented the best professional advice possible to all involved. Sometimes this professional advice was contrary to the wishes of the citizens, but staff has not unilaterally changed or removed citizen recommendations. Rather, whether or not to amend citizen recommendations is the role of the Planning Commission to recommend and the City

Council to decide upon.

The general discussion by the Planning Commission on each chapter and the major principles included in them are as follows:

#### Environmental Quality Chapter (Statewide Planning Goal 6)

The Planning Commission had no issues with the proposed language brought forward to the public hearing and no changes were made. The major principles included in the goals, policies, and action measures are:

- Continue collaborating at a regional level to address air, water, and land quality;
- Implement practices that reduce air and water pollution associated with municipal operations, as well as reducing the amount of solid waste generated;
- Promote land use patterns that reduce automobile trips;
- Use the natural functions of the environment to help improve environmental quality;
- Educate the public about individual actions that can help to improve environmental quality;
- Encourage the use of low impact development practices and green street concepts; and
- Develop and maintain regulations, incentives and educational initiatives to improve air, water and land resource quality.

These principles set a policy direction for the City to move toward the community vision of a future where the character and livability of Tigard is enhanced by the quality of the surrounding environment. Furthermore, it is recognized that expected population growth in the region will require further effort and innovation to protect environmental quality.

#### Energy Conservation Chapter (Statewide Planning Goal 13)

The Planning Commission had no issues with the proposed language brought forward to the public hearing and no changes were made. The major principles included in the goals, policies, and action measures are:

- Reducing automobile trips;
- The City taking a leadership role in energy matters;

- Ensuring state energy efficiency standards are met; and
- Educating and encouraging the public about actions that can support energy conservation.

Implementing these principles will help to reach the community vision where access to reliable energy supplies and their use do not degrade the environmental quality of the community. The citizens recognize the importance of land use and transportation planning on energy consumption.

#### Parks, Recreation, Trails, and Open Space Chapter (Statewide Planning Goal 8)

The key principles included in this chapter revolve around the community vision of a future where a wide variety of recreational opportunities are available through a diverse system of parks, trails, and open spaces. This system would be distributed throughout the community and easily accessible from all neighborhoods. The citizens also realize the importance of properly managing and maintaining the system.

The Planning Commission engaged in a long and thoughtful deliberation on a few policies and recommended action measures that pertained to recreational programs and how to possibly fund them. Staff requested that language relating to recreation programs and development of facilities should be removed based on previous budget committee decisions. Some members of the Parks Policy Interest Team took exception. Their position is that recreation is important to the community's quality of life.

The Planning Commission eventually reached a consensus to include language pertaining to recreational programs and facilities in its recommendation to Council. In addition to reinstating language proposed to be deleted, the Commission added additional statements pertaining to recreation programs and facilities.

Regarding recreation program and facility funding matters, the following language changes were recommended by the Commission:

Goal 8.1, Policy #13 shall be reinstated and read, "The City shall identify funding to build recreation facilities and provide a full service recreation program."

Goal 8.1, Recommended Action Measure x shall be reinstated and read, "Consider seeking voter approval, as early as November 2008 and no later than November 2010, to fund needed park and open space acquisitions and improvements."

Goal 8.1, Recommended Action Measure xix shall be reinstated and read, "Consider voter approval to fund needed recreation facilities and a recreation program."

Goal 8.3, Policy #1 shall be reinstated and read, "The City shall establish a recreation program served by high quality community facilities."

Goal 8.3, Policy #2 shall be deleted.

Goal 8.3, Recommended Action Measure ii is now Recommended Action Measure i.

Goal 8.3, add Recommended Action Measure ii to read, "Identify potential partners including school districts, special service districts, private providers, etc., for the provision of recreational programs."

Goal 8.3, add Recommended Action Measure iii to read, "Work with the community to assess appropriate elements for a recreation program."

Other changes to the Parks and Recreation Chapter include the following:

Goal 8.1, Recommended Action Measure xi shall delete "when feasible." It is recommended to read, "Utilize alternative methods to acquire and develop open space, parks, and trails, including local improvement districts, purchase of easements and development rights, life estates, etc."

Goal 8.1, Recommended Action Measure xxiv, shall delete "When feasible and appropriate." It is recommended to read, "Make parks, trails, and open spaces universally accessible by as many people as possible."

Goal 8.1, Recommended Action Measure xxxii shall change the word "studies" to "surveys".

Goal 8.1, Recommended Action Measure xxxiii shall read, "Remove and control invasive species and noxious weeds in natural areas."

## **Definitions and Obligations of Goals, Policies, and Recommended Action Measures**

### **Tigard Comprehensive Plan**

Comprehensive plan goals, policies, and recommended action measures have different definitions and impart different obligations to decision makers. They also relate differently to one another. The following describes goals, policies, and recommended action measures in greater detail.

Goals, policies and recommended action measures identify the intent of the City to accomplish certain results. The goals and policies relate to one another and are obligations the City wishes to assume. Recommended action measures support the obligations to achieve a desired end, but do not signify an obligation themselves.

#### **Goal**

Definition - A general statement indicating a desired end or the direction the City will follow to achieve that end.

Obligation - The City cannot take action which violates a goal statement unless:

1. Action is being taken which clearly supports another goal.
2. There are findings indicating the goal being supported takes precedence (in the particular case) over another.

#### **Policy**

Definition - A statement identifying Tigard's position and a definitive course of action. Policies are more specific than goals. They often identify the City's position in regard to implementing goals. However, they are not the only actions the City can take to accomplish goals.

Obligation - The City must follow relevant policy statements when amending the Comprehensive Plan, or developing other plans or ordinances which affect land use. To amend the Comprehensive Plan, the City must show consistency with the Statewide Land Use Goals. Such an amendment must take place following prescribed procedures prior to taking an action that would otherwise violate a Plan policy.

#### **Recommended Action Measures**

Definition - A statement which outlines a specific City project or standard which, if executed, would implement goals and policies. Recommended action measures also refer to specific projects, standards, or courses of action the City desires other jurisdictions to take in regard to specific issues.

These statements also define the relationship the City desires to have with other jurisdictions and agencies in implementing Comprehensive Plan goals and policies.

Obligation - Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies, will depend on a number of factors such as citizen priorities, finances, staff availability, etc.

The City should periodically review and prioritize recommended action measures based on current circumstances, community needs, and the City's goal and policy obligations. These statements are suggestions to future City decision-makers as ways to implement the goals and policies. The listing of recommended action measures in the plan does not obligate the City to accomplish them. Neither do recommended action measures impose obligations on applicants who request amendments or changes to the Comprehensive Plan. The list of recommended action measures is not exclusive. It may be added to, or amended, as conditions warrant.



# Environmental Quality

*“Managing the effects of human impacts on air,  
water and land resources, including energy.”*

Air Resource Quality

Water Resource Quality

Land Resource Quality







**E**nvironmental Quality addresses the quality of air we breathe, water in aquifers, wetlands, streams and lakes and the responsible management and disposal of waste. Environmental quality is essential for a high quality of life including a strong and sustainable economy. Therefore, Portland metropolitan area governments and agencies, in cooperation with state and federal governments, have developed systems to address urban development's impacts on air, water, and land resource quality. This includes measures to prevent environmental degradation and the need for conservation. Statewide Planning Goal 6 requires Oregon jurisdictions to adopt Comprehensive Plans that provide goals and policies as the basis to manage the impact of developments on air, water and land resources

#### **GOAL 6: Air, Water and Land Resources Quality**

*"To maintain and improve the quality of the air, water and land resources of the state."*

The community's vision is for a future where the character and livability of Tigard is enhanced by the quality of the surrounding environment. The citizens know the importance of participating in regional partnerships, of ensuring the natural resource systems function to provide clean air and water, and of developing land use patterns and a multi-modal transportation system that reduces the dependency on the automobile. Furthermore, it is recognized that expected population growth in the region will require further effort and innovation to protect environmental quality.

At the local level, Tigard can protect environmental quality by ensuring its land use policies, codes, and standards are up-to-date with contemporary best management practices; that it is compliant with state and federal environmental laws and administrative rules; and that it leads by example in employing environmentally sound and sustainable practices in its municipal operations. The City also has an opportunity to educate its citizens of how changes in daily life can improve environmental quality.

### **Section 1: Air Resources Quality**

Clean air is essential for human well-being. Furthermore, if a region violates federal and state clean air rules, there can be significant negative impacts on the economy as a result of mandated actions to improve air quality. To ensure access to clean air, the federal Clean Air Act was created as the primary regulatory





framework for national, state, and local efforts to protect air quality. Under the Clean Air Act, the Environmental Protection Agency (EPA) is responsible for setting standards, known as National Ambient Air Quality Standards (NAAQS), for pollutants considered harmful to people and the environment. Air quality planning is focused on meeting the NAAQS and setting deadlines for meeting these standards.

The Oregon Department of Environmental Quality (DEQ) is responsible for protecting Oregon's air quality by issuing permits, developing programs, and monitoring air pollution to ensure communities meet the NAAQS and to protect Oregon's pristine views. Air pollutants identified in the 2005 DEQ *Air Quality Report* as the greatest concern in Oregon are:

- Ground-level ozone, commonly known as smog;
- Fine particulate matter (mostly from wood smoke, other combustion sources, cars and dust);
- Hazardous air pollutants (also called Air Toxics); and
- Carbon monoxide (mostly from motor vehicles).

*Environmental quality is essential for a high quality of life including a strong and sustainable economy.*

As air quality does not know political boundaries, regional efforts were established to monitor and plan for pollutants. The City of Tigard is part of the Portland Area Airshed (PAA), which is defined by the Metro service boundary. The DEQ is responsible for ensuring the PAA meets the national standards and developing the necessary plans to continue compliance. Currently, the PAA meets all NAAQS standards (three-year averages are used to determine attainment/non-attainment of the standards: eight-hour ozone, particulate matter, and carbon monoxide). However, DEQ is required to develop maintenance plans for carbon monoxide and ozone to ensure continued compliance.

At the local level, the City can have a positive impact on air quality. Land use, transportation, and public facility planning can promote land development patterns and transportation systems that reduce dependence on the automobile. The city can coordinate with the Oregon



Department of Environmental Quality to ensure that industries requiring DEQ permits comply with state and federal regulations. Also, the city can protect existing natural areas and mature trees and promote and participate in tree planting efforts. Vegetation has the natural ability to convert and sequester carbon dioxide and produce oxygen. Trees and shrubs can also serve to screen and buffer dissimilar land uses and lessen noise pollution. The City can also ensure its codes and regulations prevent and mitigate other negative air quality impacts associated with urban development such as visible emissions, odors, glare and heat.

#### KEY FINDINGS

- Within urban areas, air quality is often much worse along major roadways.
- DEQ has issued six active Air Contaminant Discharge Permits (ACDP) within the City to regulate minor sources of contaminant emissions.
- Motor vehicles are now the primary source of air pollution in Oregon and, due to population increases, the number of miles driven daily by Tigard residents has increased 67% since 1990.
- The primary sources of household pollutants in Tigard include wood burning fireplaces, and lawn and garden equipment.
- The Oregon Legislature adopted a number of specific measures to address air quality in the region.
- The citizens of Tigard value trees and natural resources and feel that protecting these resources will benefit the community.

#### GOAL

- 6.1 Reduce air pollution and improve air quality in the community and region.

#### POLICIES

1. The City shall ensure that all development complies with or exceeds regional, state, and federal standards for air quality.
2. The City shall support regional and state plans and programs to attain regional, state, and federal standards for air quality.
3. The City shall promote land use patterns which reduce dependency on the automobile, are compatible with existing neighborhoods, and increase opportunities for walking, biking, and/or public transit.



4. The City shall continue to investigate and implement practices that reduce air pollution associated with municipal operations.
5. The City shall cooperate with other public agencies to minimize localized transportation impacts to air quality through intersection improvements, access management, intelligent transportation systems, etc.
6. The City shall encourage the maintenance and improvement of open spaces, natural resources, and the City's tree canopy to sustain their positive contribution to air quality.
7. The City shall improve the Environmental Performance Measures to minimize impacts from noise and light pollution.
8. The City shall encourage citizens to modify their household actions, through education and incentives, to reduce emissions. This may include alternatives for heating, lawn and garden equipment, and transportation.

### RECOMMENDED ACTION MEASURES

- i. Perform a land use analysis to identify residential zones that could potentially accommodate mixed use or neighborhood commercial development.
- ii. Adopt and implement development regulations that include provisions or incentives for alternative transportation use, particularly in Metro designated corridors and centers.
- iii. Perform a sidewalk inventory that results in a citywide GIS layer to be used for gap analysis and the creation of a sidewalk improvement plan.
- iv. Work with TriMet to identify underserved neighborhoods and find the funding to add service in these areas.
- v. Pursue funding for transportation related projects that would reduce congestion by improving flow, but not by increasing capacity.
- vi. Expand the Free Street Tree Program by actively engaging neighborhoods and creating a pool of community volunteers to help with the plantings.
- vii. Place educational materials in the schools, Tigard Public Library, and City Hall that demonstrate actions individuals can implement to help improve air quality in the community.
- viii. Research "dark skies" regulations from other municipalities and develop standards for Tigard.
- ix. Research the feasibility of a buyback program for older wood burning stoves.
- x. Research the feasibility of banning gas-powered leaf blowers and a buyback program for petroleum powered lawn equipment.
- xi. Develop an ongoing committee to evaluate a Tigard public



transportation system that would connect underserved neighborhoods with TriMet routes.

## Section 2: Water Resources Quality

The quality of the water in our aquifers, streams, rivers, lakes, and wetlands is important to the health and welfare of the community, as well as the fish and wildlife that rely on clean water for habitat. To limit harmful impacts from human activities on water quality, the Clean Water Act (CWA) was enacted. It regulates the discharge of pollutants into waterways through National Pollutant Discharge Elimination System (NPDES) permits. In the State of Oregon, the Department of Environmental Quality (DEQ) has been charged with establishing standards, regulating, and monitoring Oregon's waters for compliance with the CWA and NPDES.

Large municipalities typically have NPDES permits for their wastewater treatment facilities and for stormwater runoff, called a Municipal Separate Storm Sewer System (MS4) permit. In urban Washington County, which includes the City of Tigard, the permits have been combined and are held by Clean Water Services (CWS). The combined permit was issued for the entire Tualatin River watershed to guide a basin-wide effort to improve water quality. It requires CWS to submit a Stormwater Management Plan and a Wastewater Management Plan to DEQ. These two plans outline the best management practices that CWS, its member cities, and Washington County commit to employ to reduce pollutant discharges, regulate temperature, and comply with any Total Maximum Daily Load (TMDL) levels that have been established.

The City of Tigard is a co-implementer of the permits and associated plans

*Land use regulations can also help reduce water pollution by reducing impervious surfaces, and requiring storm water retention and treatment on-site.*



through an Intergovernmental Agreement (IGA) with CWS. The IGA outlines the functions the City must perform that are critical to the operation, maintenance, and management of stormwater and wastewater facilities and to ensure compliance with the CWA.

Separate from the NPDES permit process, Clean Water Services has developed a Surface Water Management Program to manage non-point source pollution impacts on water quality. The *Healthy Streams Plan*, a public education program, and watershed restoration projects are among the several activities undertaken to improve the water quality of streams and wetlands within the Tualatin River basin.

The City also has an important role in improving water quality. For example, it has committed staff and resources to implement the *Healthy Streams Plan*. This involves ongoing efforts to restore stream health and associated riparian areas, educating the public about how individual actions can improve water quality, and coordinating policies and actions with other jurisdictions and agencies. These actions help maintain compliance with Metro's *Urban Growth Management Functional Plan Title 13* and implement the *Nature in Neighborhoods Program*.

Tigard also seeks to improve water quality by adopting land use policies and regulations to prevent erosion and protect floodplains and other sensitive lands including tree groves, wetlands, and stream corridors. Land use regulations can also help reduce water pollution by reducing impervious surfaces, and requiring storm water retention and treatment on-site. In addition, the City can provide education about how low-impact development and green building techniques can conserve water and protect water quality. Furthermore the city maintains a sewer extension program to connect properties to the city sewer system that rely on septic tanks and drain fields.

### KEY FINDINGS

- Water quality in the Tualatin River basin has been generally improving since the 1970s, despite continued urbanization in the watershed.
- In 2006, Oregon DEQ characterized both Fanno Creek and the Tualatin River as having “poor” water quality within the City of Tigard. However, this is an improvement from the “very poor” ranking received in 1995.
- Non-point sources are the largest contributors to water pollution in both Oregon and the Tualatin River basin.
- Within Tigard, run-off from impervious surfaces, pet waste, and



erosion/sedimentation are the most problematic non-point sources of pollution.

- To enhance water quality, the City has an active program of tree planting, water quality facility construction (vegetated swales and retention basins), and stream corridor and wetland enhancements.
- The citizens of Tigard are concerned about the impact of growth on the community's natural resources.

#### GOAL

- 6.2 Ensure land use activities protect and enhance the community's water quality.

#### POLICIES

1. The City shall ensure that all development complies with or exceeds regional, state, and federal standards for water quality.
2. The City shall continue cooperation with federal, state, and regional agencies in the management of Tigard's water resources and the implementation of plans and programs.
3. The City shall encourage the use of low impact development practices that reduce stormwater impacts from new and existing development.
4. The City shall protect, restore, and enhance, to the extent practical, the natural functions of stream corridors, trees, and water resources for their positive contribution to water quality.
5. The City shall implement measures to minimize erosion and storm runoff from development sites during and after construction.
6. The City shall continue to collaborate on educating the public of techniques and practices private individuals can employ to help correct water quality issues.
7. The City shall investigate and use, to the extent practical, green street concepts and other measures that limit the community's effective impervious area.

*The City  
shall lead by  
example and  
develop green  
concepts for  
stormwater  
management  
at City  
facilities.*



8. The City shall lead by example and develop green concepts for stormwater management at City facilities.
9. The City shall encourage the Oregon Department of Transportation and Washington County to improve the quality of stormwater run-off from their facilities.
10. The City shall continue to facilitate the extension of the City's wastewater system to neighborhoods without service within the Tigard Urban Service Area, provided:
  - A. Properties benefiting from the extension pay their fair share of the cost; and
  - B. Annexation occurs prior to any property receiving service.

### RECOMMENDED ACTION MEASURES

- i. Research and implement incentives that encourage development to minimize impervious surface coverage.
- ii. Continue to implement the CWS Healthy Streams Plan.
- iii. Work with the Tree Board to develop an urban tree management and preservation program that increases the canopy cover in Tigard.
- iv. Continue to Inventory outfalls from non-treated stormwater systems and identify alternatives for improving the water quality released from them.
- v. Purchase properties located within the 100-year floodplain and develop a management plan that will allow for their natural function in removing pollutants from the stream system.
- vi. Develop baseline measures of effectiveness to ensure erosion control measures are working during the construction phase.
- vii. Research the feasibility of a grant program that would provide funds to organizations to develop educational programs.
- viii. Research the need and feasibility of public restrooms to provide sanitary facilities for the City's homeless population.
- ix. Install signage and doggie pooper bags to encourage the clean up of dog waste in public parks.
- x. Evaluate the City's street cleaning practices to ensure they are performing up to their intended results.
- xi. Research the feasibility of a commercial parking lot cleaning program and incentives for new development and retrofits to use green concepts during parking lot construction.
- xii. Educate the public about effects of flushing pharmaceuticals and





develop a program to collect and properly dispose of them so they do not reach and contaminate our streams.

### Section 3: Land Resources Quality

Modern life inevitably leads to the production of waste. From the point in time when cities are first developed, and continuing throughout their occupancy, by-products of human activity must be collected and properly disposed of to protect the health of both people and the natural environment. To accomplish this, the state of Oregon and Metro has partnered to create laws, rules, and programs to direct reduction and efficient removal of waste. The Oregon Department of Environmental Quality (DEQ) is responsible for ensuring compliance with state rules and statutes. DEQ is also responsible for preparing the *Oregon State Integrated Resource and Solid Waste Management Plan*.

Within the Portland Metropolitan Region, Metro has the responsibility for oversight and management of solid waste collection and disposal. This includes the responsibility to prepare and update the *Regional Solid Waste Management Plan*. The regional plan establishes the framework for coordinating most solid waste collection and disposal programs, directing waste reduction and recovery efforts, identifying roles and responsibilities, and fulfilling DEQ's requirement that the region have an overall waste reduction plan. The Regional Plan is also responsible for recommending ways to address the solid waste management impacts of future population and employment growth.

Tigard participates in Metro's plan update process and implements the plan through the Washington County Cooperative, which includes a number of cities in Washington County. This regional collaboration is important to reducing the amount of waste generated and entering landfills.

At the local level, the City is responsible for regulating and managing solid waste and recycling collection services within the city limits, and reviewing collection rates and service standards. Garbage and recycling collection services are provided by private haulers who operate within established franchise boundaries. The City enters into franchise agreements with the private haulers for the removal of solid waste generated from residential, commercial, and industrial customers.

#### KEY FINDINGS





- Per capita generation of solid waste has increased annually by 3.2% over the last ten years in the Portland metropolitan region.
- The region had a 59% waste reduction rate in 2005 and has set a target of 64% by 2009.
- Tigard's residential recycling rate was 53.5% in 2005, while the commercial recycling rate was 22.7%.
- Regionwide, there are significant opportunities for waste reduction improvements in the construction and business sectors.
- Oregon DEQ regulates hazardous waste collection, disposal, and cleanup programs. DEQ also provides education and technical programs to reduce risks associated with hazardous wastes.
- Metro maintains its own household hazardous waste recovery program in cooperation with DEQ.
- The citizens of Tigard are concerned about population increases and the impact upon the community.

### GOAL

- 6.3 Reduce the amount of solid waste entering landfills.

### POLICIES

1. The City shall continue collaborating with federal, state, and regional agencies in the development and implementation of solid waste management plans and programs.
2. The City shall regulate and manage solid waste and recycling collection services through franchise agreements that:
  - A. Ensure recycling opportunities are accessible to all households, businesses, and institutions;
  - B. Implement waste reduction measures through prevention and recovery efforts;
  - C. Remain cost effective and environmentally sensitive; and
  - D. Comply with applicable plans, policies, and laws.
3. The City shall collaborate with the appropriate agencies to ensure proper permitting, collection, disposal, and cleanup of hazardous wastes.
4. The City shall use public education to promote:
  - A. Opportunities for recycling, composting, and reuse;
  - B. Reduction of household hazardous waste and its proper disposal; and



- C. Reduction of solid waste generated from construction and business activities.
- 5. The City shall reduce the amount of solid waste associated with municipal operations.

#### RECOMMENDED ACTION MEASURES

- i. Find long-term partners and plan a yearly E-Waste Collection Event similar to the one in September 2006.
- ii. Start a composting program (including education) for City employees including the purchasing of compostable plates, utensils, and cups.
- iii. Research commercial and construction recycling programs that could be implemented in Tigard.
- iv. Develop and maintain a GIS database of DEQ hazardous waste permit sites and hazardous cleanup sites.
- v. Work with franchise haulers to adjust yard debris pick-up schedules to correspond with the demand during different seasons.
- vi. Research the possibility of expanding the number of items that can be recycled curbside.
- vii. Work with local businesses to act as collection points for household hazardous waste. For example, home centers would collect fluorescent light bulbs while paint stores would collect old, unused paint.
- viii. Support the creation of an Office of Sustainability in Washington County.

#### ~~4. AIR, WATER AND LAND RESOURCES QUALITY~~

~~This chapter addresses the concerns expressed by Statewide Planning Goal #6 which is:~~

~~———"to maintain and improve the quality of the air, land and water resources of the state."~~

~~Environmental issues, throughout our nation and region, have produced an impressive list of agencies dealing with some aspect of our environment. Nationally, there is a confusing array of agencies, groups and departments, some working specifically in the realm of environment and many others who deal with environmental aspects only inasmuch as their main concern impinges on environmental areas of concern.~~

~~The National Environmental Protection Agency (EPA) and the State Environmental Quality Commission (EQC) are two agencies devoted to measurement, control and understanding of our environments. In addition, there are others that devote only a portion of their efforts to environmental qualities, provide technical assistance, grants and guidelines to local or regional agencies.~~

~~State and regional authority bring to bear more specific concerns and regulations regarding their jurisdictions, again with an impressive array of agencies and regulatory statements. Specifically impacting Tigard is Metro, which has responsibility for: air quality, water and solid waste treatment, regional land use coordination, transportation strategies and other areas of concern appropriate to an urban region.~~

~~(Rev. Ord. 02-15)~~

#### ~~4.1 AIR QUALITY~~

##### ~~Findings~~

- ~~■ Within the Tigard Planning Area there are no major point source air polluters.~~
- ~~■ The major source of air pollution in Tigard is automobile emissions.~~
- ~~■ The City of Tigard lies within the Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA). This area is described in the draft State Implementation Plan (SIP) for air quality, published jointly by the Department of Environmental Quality and the Metropolitan Service District in April, 1979. The draft State Implementation Plan (SIP) shows that the entire AQMA is in nonattainment for meeting the recently revised federal ambient air quality standards for ozone and is predicted to remain in nonattainment to at least 1987 unless~~

~~additional control measures are undertaken. The final ozone control strategy for the Portland-Vancouver AQMA was adopted in July, 1982, and is predicted to bring the area into attainment with the standard by 1987.~~

- ~~• In the Portland-Vancouver AQMA, air pollution is monitored by and planning efforts coordinated through the Metropolitan Service District (MSD) and the Department of Environmental Quality (DEQ).~~
- ~~• The draft SIP also projects nonattainment in 1982 for CO (near Highway 99W). The final carbon monoxide control strategy of the Portland-Vancouver AQMA was adopted in July 1982. While the area in Tigard near Highway 99W is still a problem, modeling predicted that the area will be in attainment. (Rev. Ord. 84-24)~~

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## POLICY

### 4.1.1 THE CITY SHALL:

- ~~a. MAINTAIN AND IMPROVE THE QUALITY OF TIGARD'S AIR QUALITY AND COORDINATE WITH OTHER JURISDICTIONS AND AGENCIES TO REDUCE AIR POLLUTIONS WITHIN THE PORTLAND-VANCOUVER AIR QUALITY MAINTENANCE AREA (AQMA).~~
- ~~b. WHERE APPLICABLE, REQUIRE A STATEMENT FROM THE APPROPRIATE AGENCY, THAT ALL APPLICABLE STANDARDS CAN BE MET, PRIOR TO THE APPROVAL OF A LAND USE PROPOSAL.~~
- ~~c. APPLY THE MEASURES DESCRIBED IN THE DEQ HANDBOOK FOR "ENVIRONMENTAL QUALITY ELEMENTS OF OREGON LOCAL COMPREHENSIVE LAND USE PLANS" TO LAND USE DECISIONS HAVING THE POTENTIAL TO AFFECT AIR QUALITY.~~

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## IMPLEMENTATION STRATEGIES

- ~~1. The City shall coordinate with Metro and DEQ to attain and maintain the air quality goal described in the State Implementation Plan (SIP).~~
- ~~2. The City shall continue to utilize expertise available at the Department of Environmental Quality, Metro, and other relevant agencies, to coordinate efforts aimed at reducing air pollution emission levels in the Tigard and entire Portland Metropolitan Area.~~
- ~~3. Until such time as control strategies are realized, the City of Tigard shall use measures described in the DEQ Handbook for "Environmental Quality Elements of Oregon Local~~

~~Comprehensive Land Use Plans" when planning any development activities having the potential to directly (by direct emissions) or indirectly (by increasing vehicular travel) affect air quality.~~

- ~~4. The City shall make every effort to design municipal streets and roadways and to establish traffic flow patterns which minimize or reduce vehicular emissions.~~
- ~~5. The City shall consult and coordinate with the Oregon Department of Environmental Quality to ensure that land uses and activities in Tigard comply with Federal and State air quality standards.~~
- ~~6. The City shall aim to reduce the quantity of vehicle emissions by pursuing an energy efficient urban form which reduces the number of vehicle miles traveled, and by encouraging the use of alternate modes of transportation, especially mass transit and pedestrian.~~

(Rev. Ord. 02-15)

## 4.2 WATER QUALITY

### Findings

- ~~▪ The quality of Tigard's surface waters are fair, inasmuch as the waters are not used for drinking purposes.~~
- ~~▪ No major point source water polluters threaten local creeks.~~
- ~~▪ Some infiltration problems exist in the sewage systems.~~
- ~~▪ Reduction of open space, removal of vegetation cover, and development which increases the amount of impervious surface all contribute significantly to increases in the peak flows of urban storm runoff entering storm sewers, creeks and drainageways.~~
- ~~▪ Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention/ detention of storm water, inclusion of landscape buffer areas adjacent to new development and conservation and improvement of streamside vegetation along creeks and other water courses.~~
- ~~▪ Clean Water Services (CWS) is the lead agency for water quality management within Washington County.~~
- ~~▪ By intergovernmental agreement, all the cities within the Clean Water Services' service area, Tigard included, must follow the standards contained in the CWS's Design and Construction Manual.~~

(Rev. Ord. 02-15)

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## POLICIES

4.2.1 ~~ALL DEVELOPMENT WITHIN THE TIGARD URBAN PLANNING AREA SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND REGIONAL WATER QUALITY STANDARDS, INCLUDING THOSE CONTAINED IN THE CLEAN WATER SERVICES' DESIGN AND CONSTRUCTION MANUAL. (Rev. Ord. 02-15)~~

4.2.2 ~~THE CITY SHALL RECOGNIZE AND ASSUME ITS RESPONSIBILITY FOR OPERATING, PLANNING, AND REGULATING WASTEWATER SYSTEMS AS DESIGNATED IN METRO'S WASTE TREATMENT MANAGEMENT COMPONENT. (Rev. Ord. 02-15)~~

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## IMPLEMENTATION STRATEGIES

1. ~~In order to improve the water quality and quantity in the Tigard Area, the City shall consider developing regulations in the Tigard Community Development Code or instituting programs to:~~
  - a. ~~Increase public awareness of techniques and practices private individuals can employ to help correct water quality problems~~
  - b. ~~Improve the management of industrial and commercial operations to reduce negative water quality impacts;~~
  - c. ~~Regulate site planning for new development and construction through the Tigard Community Development Code to better control drainages and erosion and to manage storm runoff;~~
  - d. ~~Increase storage and retention of storm runoff to lower and delay peak storm flows;~~
  - e. ~~Reduce street related water quality and quantity problems; and~~
  - f. ~~Increase public awareness concerning the use and disposal of toxic substances.~~
2. ~~The City shall not permit industrial or other uses which violate State of Oregon water quality discharge standards.~~
3. ~~The City shall cooperate with the Metro and other appropriate agencies to establish practices which minimize the introduction of pollutants into ground and surface waters.~~
4. ~~The City shall require that new developments obtain a Stormwater Connection permit from Clean Water Services and be connected to the City's or the Clean Water Services sanitary sewerage systems.~~

## 4.3 NOISE POLLUTION

### Findings

- ~~• Noise is a recognized cause of physical and psychological stress which has been directly related to various health problems.~~
  - ~~• Motor vehicle traffic noise is the major contributor to the ambient noise level in Tigard.~~
  - ~~• Noise levels for almost all residential districts in Tigard appear to be within acceptable levels.~~
  - ~~• The highest noise levels appear to be found along Pacific Highway (99W), Main Street, I-5, Hwy. 217 and Hall Boulevard.~~
  - ~~• Effective control of the undesirable effects of highway generated noise levels requires a three part approach: 1) source emission reduction; 2) improved highway design and street design; and 3) land use controls. The first two components are currently being addressed by private industry and by federal, state and regional agencies. The third area is essentially a local government responsibility.~~
- 

## POLICY

### 4.3.1 THE CITY SHALL:

- ~~a. REQUIRE DEVELOPMENT PROPOSALS LOCATED IN A NOISE CONGESTED AREA OR A USE WHICH CREATES NOISE IN EXCESS OF THE APPLICABLE STANDARDS TO INCORPORATE THE FOLLOWING INTO THE SITE PLAN:
    - ~~1. BUILDING PLACEMENT ON THE SITE IN AN AREA WHERE THE NOISE LEVELS WILL HAVE A MINIMAL IMPACT; OR~~
    - ~~2. LANDSCAPING AND OTHER TECHNIQUES TO LESSEN NOISE IMPACTS TO LEVELS COMPATIBLE WITH THE SURROUNDING LAND USES.~~~~
  - ~~b. COORDINATE WITH DEQ IN ITS NOISE REGULATION PROGRAM AND APPLY THE DEQ LAND USE COMPATIBILITY PROGRAM.~~
  - ~~c. WHERE APPLICABLE REQUIRE A STATEMENT FROM THE APPROPRIATE AGENCY (PRIOR TO THE APPROVAL OF A LAND USE PROPOSAL) THAT ALL APPLICABLE STANDARDS CAN BE MET.~~
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## IMPLEMENTATION STRATEGIES

- ~~1. The Tigard Community Development Code shall ensure that future "noise sensitive" developments are designed and located so as to minimize the intrusion of noise from motor vehicle traffic and/or neighboring noisy uses.~~
- ~~2. The Tigard Community Development Code shall ensure that new commercial, industrial and~~



~~public developments are landscaped and designed such that Department of Environmental Quality (DEQ) noise standards are met and neighboring "noise sensitive" properties are not negatively impacted by the new land use or associated activities. This shall be accomplished through building setbacks, buffering standards and use compatibility.~~

- ~~3. The City shall seek a response and/or assistance from the Department of Environmental Quality (DEQ) when reviewing commercial or industrial uses in or near residential areas to prevent degradation of previously quiet environments.~~

#### ~~4.4 LAND RESOURCES~~

##### ~~Findings~~

- ~~▪ Solid waste disposal is a regional concern requiring regional solutions.~~
- ~~▪ Land quality in Tigard is not currently threatened by a large scale waste disposal site.~~
- ~~▪ Normal human activity and economic processes in Tigard contribute to the quantity of regional waste disposal.~~
- ~~▪ The Metropolitan Service District (MSD) has the authority to provide solid and liquid waste disposal in the metropolitan area.~~
- ~~▪ Although MSD has the authority over solid waste site location, local governments will be involved in the selection process.~~

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#### ~~POLICIES~~

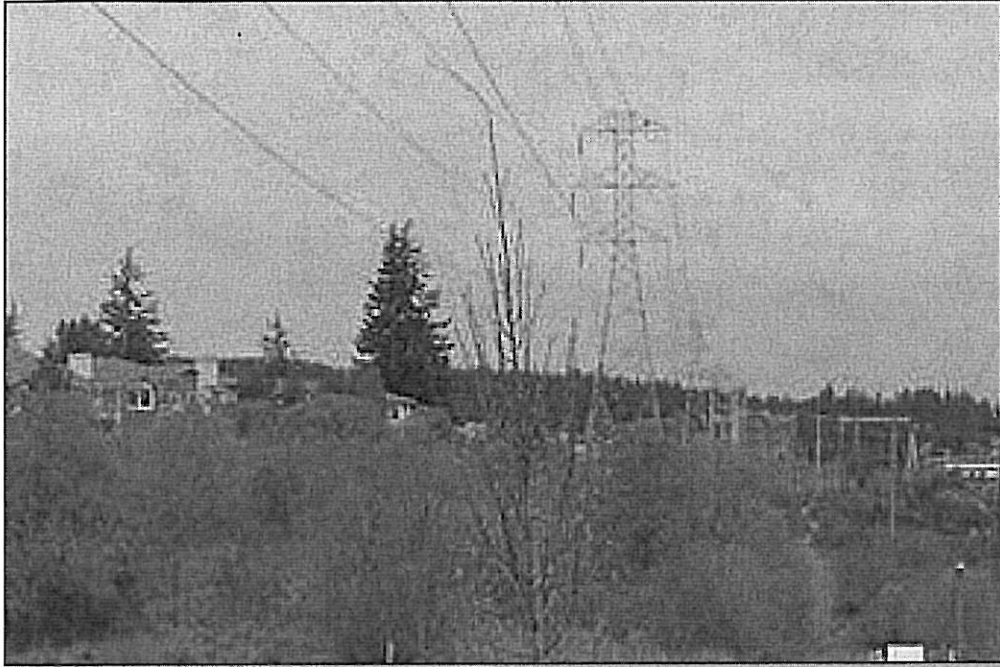
- ~~4.4.1 THE CITY SHALL MAINTAIN AND IMPROVE, IF POSSIBLE, THE CURRENT QUALITY OF TIGARD'S LAND RESOURCES.~~
- ~~4.4.2 THE CITY SHALL RECOGNIZE MSD'S RESPONSIBILITY AND AUTHORITY TO PREPARE AND IMPLEMENT A SOLID WASTE MANAGEMENT PLAN.~~

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#### ~~IMPLEMENTATION STRATEGIES~~

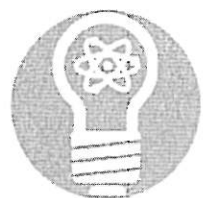
- ~~1. The City shall actively participate with the Metropolitan Service District (MSD) and the Department of Environmental Quality (DEQ), in the solid waste site selection process.~~
- ~~2. The City shall discourage solid waste sites which would adversely affect neighboring land uses or which are unsuitable because of natural conditions at the site, including but not limited to:~~
  - ~~a. Depth to water table;~~
  - ~~b. Soil conditions;~~





## Energy Conservation

*"Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."*





Our way of life is powered by energy. From the construction process to home heating to getting around the community, affordable and reliable energy sources are counted upon to sustain our needs. Energy also drives the economy and has a significant impact on the environment. These roles are important to consider when planning for future sources, distribution, conservation efforts, land use, transportation, and development patterns. The City's commitment to manage land use to conserve energy is based on Oregon Statewide Planning Goal 13.

### **GOAL 13: Energy Conservation**

*"Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles."*

Tigard residents envision a future where access to reliable energy supplies and their use do not degrade the environmental quality of the community. They recognize the importance of renewable energy resources for the economy, the value in conservation efforts, and the significance of land use and transportation planning on energy consumption. Public transportation and a well-connected bicycle and pedestrian network are services greatly supported by the community. The community also recognizes that the City can employ new techniques and technologies in municipal operations, as well as encouraging citizens to take a personal interest in energy consumption and conservation.

The City of Tigard currently has no energy resources and no future plans to develop any generation or supply facilities. The Oregon Department of Energy (DOE) has taken the statewide lead by planning to ensure an adequate, affordable, and clean energy supply is available for Oregonians. The DOE produces the *Oregon Energy Plan* on a biennial basis. It assesses energy demand and supply in the state, identifies issues affecting energy, and presents an action plan to meet the goals of the plan.

Energy conditions and future issues identified by the 2005-2007 *Oregon Energy Plan* include:

- Unstable energy pricing and supply will continue to affect communities as it did in 2002 when Oregonians spent 50% more per unit of energy to heat their homes than in 1998.
- World oil production may peak in the next decade and begin a long-term decline. Coupled with a growth in worldwide demand, peak oil will maintain or increase already high oil prices.



- Natural gas supplies from North America are declining, while prices have doubled in the past five years. Worldwide competition for the gas is also expected to increase.

To address these issues, the *Oregon Energy Plan* recommends conservation efforts for households, businesses, industry, and transportation, as well as developing

*Tigard has the ability to affect energy conservation efforts through developing efficient land use and transportation plans that reduce automobile trips.*

clean and renewable energy resources. These efforts can provide insulation from, and reduce the community's vulnerability to, volatile pricing and supplies. They are also consistent with statewide planning Goal 13 for maximizing the conservation of all forms of energy. Building efficiency standards, the Leadership in Energy and Environmental Design (LEED) rating system, and weatherization programs are options for promoting energy conservation in buildings. Metro's *Regional Transportation Plan* (RTP) is required to address energy conservation, efficiency, and alternative transportation options under state and federal law. Options include driving less, buying fuel-efficient vehicles, or using alternative fuels.

Tigard has the ability to affect energy conservation efforts through developing efficient land use and transportation plans that reduce automobile trips. This includes promoting compact mixed use communities, and transit use and development. The City can lead by example in utilizing alternative energies and becoming more energy efficient in municipal operations. Tigard can also challenge residents to reach energy conservation goals set by the community.

### KEY FINDINGS

- Transportation is the largest use of energy in the state at 38%. A considerable reduction in energy use can be made with individuals altering their habits related to the use of motor vehicles.
- The City has no energy generation or supply facilities and therefore the



community's energy supply and pricing is controlled by forces beyond its direct influence.

- A number of alternative fuel options exist for motor vehicles, but supplies and availability are limited.
- Large energy uses which the City has control over include street lighting, water transfer pumps, heating and cooling of municipal buildings, and the motor vehicle pool.
- Solar-generated power and wood heating are the two most common options available to the community for producing their own energy. Wood heating can be problematic to air quality due to the release of fine particulate matter.
- Weatherization, energy efficient building materials and appliances, and alternative energy sources can all reduce energy consumption in buildings.
- The citizens of Tigard value pedestrian and bicycle paths in the community and support the development of a well connected network.
- The citizens of Tigard value access to bus service in the community.
- The following land use planning strategies can result in a more energy-efficient community:
  - Establishing mixed-use zones to encourage working, living, and shopping in the same neighborhood
  - Providing opportunities for increased density along public transit lines
  - Developing a public transit system that is reliable, connected, and efficient
  - Building a bicycle and pedestrian network that is connected, safe, and accessible
  - Connecting streets for efficiency and reducing congestion
  - Re-use of vacant and underutilized land.

## GOAL

### 13.1 Reduce energy consumption.

## POLICIES

1. The City shall promote the reduction of energy consumption associated with vehicle miles traveled through:
  - A. Land use patterns that reduce dependency on the automobile;
  - B. Public transit that is reliable, connected, and efficient; and



- C. Bicycle and pedestrian infrastructure that is safe and well connected.
- 2. The City shall implement regional and state regulations, plans, and programs that promote energy conservation.
- 3. The City shall require future development to consider topography, vegetation, and solar access during the design phase to reduce demands for artificial heating, cooling, and lighting.
- 4. The City shall implement and enforce state energy efficiency standards during the building permit review process.
- 5. The City shall take a leadership role in local energy matters by:
  - A. Designing and developing public facilities, wherever possible, that take advantage of alternative energy sources and conserve energy in operations;
  - B. Conducting energy audits on existing City facilities and implementing cost-effective recommendations as soon as possible;
  - C. Investigating and participating in, when feasible, green energy programs, which use renewable energy resources; and
  - D. Continuing to investigate new technologies that can reduce municipal energy consumption.
- 6. The City shall support energy conservation by:
  - A. Encouraging designs that incorporate Leadership in Energy and Environmental Design (LEED) standards or achieve a minimum certification;
  - B. Educating the public about personal actions that can be taken to improve energy efficiency and reduce energy consumption;
  - C. Directing the private sector to the variety of available incentives programs; and

*Energy also  
drives the  
economy  
and has a  
significant  
impact on the  
environment.*



- D. Providing flexibility in the land use process to take advantage of solar radiation.

#### RECOMMENDED ACTION MEASURES

- i. Create a process that requires new development to consider topography, vegetation, and solar access during the design phase.
- ii. Develop target decreases for energy consumption associated with municipal operations.
- iii. Purchase a percentage of Green Energy for municipal operations and then challenge the community to do the same.
- iv. Research and implement incentives and development codes that would encourage energy efficiency in new developments.
- v. Survey the community about energy consumption and identify top concerns that could be addressed through conservation incentives.

## 9. ENERGY

### Statewide Planning Goal #13,

Energy Conservation, requires localities to manage and control land uses and development "so as to maximize the conservation of all forms of energy, based on sound economic principles." The following policies accomplish the objectives of the goal but they are not written at the level of detail necessary to provide the community with a comprehensive energy program. However, the potential need for such a program is becoming increasingly evident as the cost of energy supplies increases and the availability of non-renewable energy sources decreases. The increasing cost of energy combined with the fact that most localities are importers of energy could potentially have a negative impact on local economies. The impact[s] could range from work stoppage[s] or slowdown[s] to reduced disposable income[s] and a disruption of monies within the local economy.

The energy findings, policies and implementation strategies identify conservation as the initial energy source that the community should explore. They do so based on the fact that conservation is the cheapest energy source, most readily available, least environmentally detrimental and most influenced by local policy.

Additional information on this topic is available in the "Comprehensive Plan Report: Energy."

#### Findings

- Transportation and residential uses account for approximately half of the total energy consumption in the Portland Metropolitan Area. Industrial and commercial uses comprise the other half of energy consumption.
- The City of Tigard has no developed energy sources.
- Conservation of energy at the local level is best achieved through programs aimed at energy efficient transportation modes and land use patterns, reducing travel distances between residential and work areas, infilling vacant land, increasing densities of land uses as a whole and encouraging alternative energy uses.
- All forms of non-renewable energy sources used today are finite and the cost of these sources has increased as the supply has decreased.
- A reduction in the community-wide use of nonrenewable energy sources and the development of renewable energy resources would have a beneficial impact on both local and national economy.
- Mass transit systems can have a positive influence upon energy consumption but require higher density corridors and activity areas to be effective.
- The availability of cheap energy in the past has resulted in the construction of residential and commercial buildings that are energy inefficient. Weatherization and insulation of existing and new structures would substantially reduce energy consumption for heating and cooling these structures.
- Although it is a widely used substitute for traditional energy sources, woodburning stoves can have adverse effects on air quality if improperly used.



- ~~Alternative architecture and site design considerations can affect energy consumption; such as structure orientation to the sun, landscaping, topography and adjacent structures.~~
- ~~Small scale wind generating devices may be a viable alternative energy source for Tigard residences.~~
- ~~The private automobile consumes about 75% of all petroleum used in transportation in the Portland Area.~~

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## POLICIES

- 9.1.1 ~~THE CITY SHALL ENCOURAGE A REDUCTION IN ENERGY CONSUMPTION BY INCREASED OPPORTUNITIES FOR ENERGY CONSERVATION AND THE PRODUCTION OF ENERGY FROM ALTERNATIVE SOURCES.~~
- 9.1.2 ~~THE CITY SHALL ESTABLISH A BALANCED AND EFFICIENT TRANSPORTATION SYSTEM WHICH COMPLEMENTS THE LAND USE PLAN AND IS DESIGNED TO MINIMIZE ENERGY IMPACTS.~~
- 9.1.3 ~~THE CITY SHALL ENCOURAGE LAND USE DEVELOPMENT WHICH EMPHASIZES SOUND ENERGY CONSERVATION, DESIGN AND CONSTRUCTION.~~

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## IMPLEMENTATION STRATEGIES

1. ~~The City shall encourage public and private programs that offer weatherization and energy conservation programs, e.g., tax credits, low interest weatherization loans, etc.~~
2. ~~The Tigard Community Development Code shall allow for a variety of housing unit types in most residential development districts which have proven to be energy efficient, e.g., common wall or clustering of dwelling units.~~
3. ~~The City shall locate higher densities and intensities of land use in proximity to existing and potential transit routes specifically with convenient access to federal and state highways, arterials and major collector streets.~~
4. ~~The City shall, in the Tigard Community Development Code, allow for more flexibility in structure siting to provide for maximum solar exposure.~~
5. ~~The City shall review the feasibility of implementing a solar access ordinance and wind generation provisions.~~
6. ~~The City shall cooperate with both public and private agencies that make use of site development and architectural techniques using natural elements for heating and cooling in all developments.~~
7. ~~The Tigard Community Development Code shall allow for mixed use developments which will support a reduction in traffic trip generation.~~
8. ~~The City shall coordinate with and support public and private planning efforts that advocate alternative forms of transportation such as mass transit, carpooling, ride share, bicycling and walking for commuter purposes.~~
9. ~~Locational criteria shall be established to minimize vehicular travel in order to conserve energy.~~



- ~~c. Impacts upon drainage;~~
- ~~d. Water quality degradation or similar problems.~~
- ~~3. The City shall ensure that future land use activities with significant waste and process discharges conform to all State and Federal environmental quality standards.~~
- ~~4. The City shall seek a response or assistance from the Department of Environmental Quality or any other interested State or Federal agency when reviewing proposed land uses with potential for significant waste and process discharges.~~
- ~~5. The City shall continue to use local recycling services and shall encourage and cooperate with all recycling agencies which conform to all state and federal environmental quality standards.~~
- ~~6. The City shall recognize MSD's role in preparing and implementing a solid waste management plan. The City shall support MSD's "Procedures for Siting Sanitary Landfill," and will participate in these procedures as appropriate.~~



## Parks, Recreation, Trails and Open Space

*“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of recreational facilities, including destination resorts.”*





Access to parks, recreation, trails, and open space enhances the livability of a community and contributes to the well-being of its residents. These amenities provide a variety of opportunities for residents and visitors to enjoy both active and passive activities, while also helping to preserve open space, wildlife habitat, and natural resources. Parks may also serve as informal meeting places to draw people together and create a sense of place. These public lands and facilities are highly appreciated by Tigard's residents and the City is committed to their adequate provision. Statewide Planning Goal 8 requires Oregon jurisdictions to plan for recreational needs and this becomes especially important as the City begins to approach full development.

#### **GOAL 8: Recreational Needs**

*"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of recreational facilities, including destination resorts."*

The community envisions a future where a wide variety of recreational opportunities is available through a diverse system of parks, trails, and open spaces. This system would be distributed throughout the community and easily accessible from all neighborhoods. It includes not only developed parks, but open spaces to protect natural resources that the community holds in high regard. The citizens also know that simply planning for and providing the opportunities is not enough, but funding must be secure to properly manage and maintain the system.

The Tigard park system currently includes 169 acres of City parkland and 182 acres of greenway and other preservation-oriented sites. These figures equate to 3.7 acres of developed area and 4.0 acres of natural area per thousand residents. Most of this park and greenway land is located within the floodplain. In addition to parks and open spaces, Tigard has developed a successful trail program, consisting of 9 miles of completed trails. These trails provide both recreation opportunities and transportation links throughout the community. A major source of parkland acquisition and development funds has come from the park System Development Charge (SDC) on new development, first imposed in 1977.

The City does not sponsor a recreation program and is not served by a special park and recreation district. The *Tigard Park System Master Plan* covers the city proper and the unincorporated Urban Services Area. Subsequent to the master plan's adoption in 1999, the City added 19.3 acres of parkland and 24.1 acres of greenway. Because of population increases during the same period, the City's existing level of service to 2006 held steady at 7.7 acres of public parks and open space per thousand population.



### KEY FINDINGS

- The system of adding parks and related land and facilities in the City has kept up with growth in the seven years since the Park System Master Plan's adoption in 1999 (7.7 acres/1000 residents), but has not achieved the Plan's aspirational standard.
- Many areas of the City are park deficient.
- The land supply available for parks and open space is becoming smaller and more expensive.
- Given the level of development in Tigard, sufficient land for neighborhood parks is unavailable to meet the needs of underserved residential and non-residential areas.
- Many non-City-owned lands and facilities serve the park and leisure needs of Tigard residents.
- The City lacks a trail master plan to guide the development of the trail system and facilitate progress toward its completion.
- The City has regulations in place that effectively provide for block links and pedestrian connections in new neighborhoods. However, there are significant gaps in the off-street pedestrian system within older neighborhoods.
- Citizen groups have identified a trail route within Northeast Tigard that includes on and off street segments to connect with the City of Portland-adopted SW Communities trail network. Citizens have proposed that this route be considered for adoption into the Tigard trail plan.
- The trail officially identified by Tigard as the "Powerline Trail" is a segment of a larger inter-jurisdictional trail formally identified as the "Westside Trail" in the Metro Regional Trails Map.
- The City does not operate a recreation program and is not served by a special park and recreation district. Consequently, Tigard residents have limited opportunities to participate in recreation programs.
- Overall, City parklands are well maintained. Maintenance problems identified in the 1999 Tigard Park System Master Plan have been, or are being, addressed.
- The new Park SDC methodology sets a per-project percentage limit on the use of SDC funds. Some 63% of the cost of park improvements is assigned to non-SDC funding sources. At this time, the City does not have a stable source of revenue that can be used as the companion funding source for capital projects.
- Many of the projects identified in the Parks SDC parks capacity program are



located in the Bull Mountain Urban Services Area and not within the City limits.

- Tigard does not have a parks foundation. Such foundations provide local governments with important additional programs to finance park and open space projects.
- The City has been proactive in working with the Tigard Water District for the use of reservoir properties for open space. Partnership plans with the school district for the renovation and joint use of school playgrounds to meet neighborhood park needs have not been developed.
- Volunteers annually contribute thousands of hours to Tigard's park system and are a non-monetary funding source for park maintenance and improvements.
- In recent years, the City has developed and employed innovative methods to create more active park acreage to serve community needs. This has included making use of a state infrastructure loan program to expand Cook Park and making certain types of industrially zoned properties available for park uses.
- The citizens of Tigard value pedestrian and bicycle paths in the community and support the development of a well connected network.
- The citizens of Tigard value access to neighborhood parks and open space within a half mile of their homes.
- The citizens of Tigard are concerned about the impact of growth on the community's natural resources.
- The citizen's of Tigard are concerned about the lack of a public recreation program and the lack of an adequate number of parks in the community.

*In addition to parks and open spaces, Tigard has developed a successful trail program, consisting of 9 miles of completed trails.*

## GOAL

- 8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:
- A. Developed areas with facilities for active recreation; and



- B. Undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

### POLICIES

1. Tigard shall acquire, develop, and maintain a diverse system of parks, trails, open space, and recreational facilities that are safe, functional, and accessible to all of its population.
2. The City shall acquire and, where appropriate, improve natural areas located within a half mile of every Tigard resident to provide passive recreational opportunities.
3. The City shall seek to achieve or exceed the ideal park service level standard of 11.0 acres of parkland per thousand population.
4. The City shall develop neighborhood parks [or neighborhood park facilities within other parks, such as a linear park] located within a half mile of every resident to provide access to active and passive recreation opportunities for residents of all ages.
5. The City shall develop other parks, including linear parks, special use facilities, urban plazas, skate parks, and pet areas, consistent with the descriptions and standards contained in the park system master plan.
6. The City shall acquire and manage some open spaces to solely provide protection of natural resources and other open spaces to additionally provide nature-oriented outdoor recreation and trail-related activities.
7. The City shall ensure public safety is a major consideration in the planning, design, and management of parks, open spaces and trails.
8. The City shall enforce park rules, especially against loitering, harassment, and camping, and work to identify long term solutions to these three on-going park use problems.
9. The City shall integrate green concepts into park and open space design, maintenance, and operations.
10. In addition to standing committees, such as the Park and Recreation Advisory Board and the Tree Board, the City shall involve its residents and businesses as active participants and partners in all aspects of providing park and recreational services, including park system master planning and City comprehensive planning efforts.
11. The City shall ensure that the community at large is adequately informed of recreation opportunities and programs; issues affecting park, open space, and recreation services; and volunteer opportunities.



12. The City shall, either directly or in coordination with other stakeholders and agencies, seek opportunities to acquire public open space.
13. The City shall identify funding to build recreational facilities and provide a full service recreational program
14. The City shall build and maintain partnerships with other governmental and private agencies and organizations to optimize funding and facility resources and improve park and recreational opportunities.
15. When considering acquisition of new parkland and open space, the City shall identify funding for required maintenance and public safety activities.
16. The City shall require all development to pay a parks system development charge or to dedicate land in lieu of a park system development charge.
17. The City shall ensure that any land dedicated to the City in lieu of a parks system development charge meets the needs, goals, and objectives in the Comprehensive Plan per comprehensive plan policy (#24) governing land donations.
18. The City shall continue to encourage and recognize the important role of volunteers and community groups in meeting City park, trail, open space, and recreation needs and in building stewardship and promoting community pride.
19. The City shall maintain and manage its parks and open space resources in ways that preserve, protect, and restore Tigard's natural resources, including rare or state and federally listed species, and provide nature in the city opportunities.
20. The City shall provide funding for a high level of park, open space, and recreational facility maintenance.
21. The City shall work with all elements of the community to provide and manage a fully functional urban forest.
22. The City shall seek the assistance of volunteer groups and other community partners to help in maintaining parks, trails, and open space.

*The City  
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23. The City shall continue to improve access to neighborhood parks and other facilities according to the City's Americans with Disabilities Act Plan.
24. Acceptance of any land donated for park purposes shall be based upon its usefulness and adaptability to the Park System Master Plan. The following shall be taken into consideration when making a decision regarding the acceptance of a proposed property donation:
  - A. The property's location within the City's proposed greenway system;
  - B. Its location bordering an existing park or greenway;
  - C. The degree to which the property meets the "site selection criteria" for the facility type corresponding to its intended use as listed in the Park System Master Plan;
  - D. The occurrence within the property of unique or significant natural or cultural resources;
  - E. The condition of the property and the City's liability for any potential problems or maintenance needs associated with its condition;
  - F. If landlocked, or enclosed within non-city owned land, the right of entry or public passage through the non-city owned land; and
  - G. The existing owner's awareness and acknowledgement that the control over public access passes to the City and its officers with the donation.
25. City-owned property may be used for private wetlands mitigation. The City will consider proposals for such mitigation on a case by case basis, subject to the following (A-D are contained in Resolution 96-42):
  - A. It can be demonstrated that there is benefit to the City and the general public;
  - B. The mitigation must provide a documented physical enhancement of existing wetland;
  - C. The City should be compensated for the use of the area either through rent, lump sum payment, benefit to the City, or as agreed to by the City Council;
  - D. The wetland mitigation should demonstrate no additional cost to the City for maintenance or other factors, unless acceptable to the City Council; and
  - E. Should the City consent to the private use of City-owned property, the applicant shall obtain a City Sensitive land permit and all other necessary permits and approvals for the proposed work. The required joint state/federal wetlands application shall explicitly state that the City is not a party to the permit and enforcement of the permit will be directed solely against the developer.





26. Public notice (in the form of on-site signage, a City webpage posting, and mailings to every party requesting such notice) shall be provided in the case of any proposed City sponsored wetland mitigation on City owned property where no sensitive lands permit is required.

#### RECOMMENDED ACTION MEASURES

- i. Regularly update the Parks System Master Plan (every 5 to 10 years) to ensure it continues to address the changing needs of the City. Update sections of the document more frequently with an amendment or other process to reflect the results of major policy or planning initiatives.
- ii. Develop master plans for each park that: identify the locations and types of development that will occur in the park, preserve natural areas, and ensure development that promotes safe and aesthetically pleasing environments.
- iii. Consider and respond to Tigard's social and demographic characteristics, including its cultural diversity, when planning for and investing in park improvements.
- iv. Consider the development of a partnership plan with the school district for the renovation and joint use of school grounds in park deficient areas to meet neighborhood park needs.
- v. Coordinate with and support Metro, Oregon State Parks, the National Park Service and other agencies and that provide parks, open spaces, and recreational activities in or near Tigard.
- vi. Promote a safe environment in the City's parks and open spaces through on-going contact and coordination with public safety officials.
- vii. Consider the development of a marketing and communication plan to inform the public about the value of parks and the recreational services they provide.
- viii. Develop and distribute maps and brochures to educate users about the park and open space system and promote appropriate use.
- ix. Revise and update the Park System Development Charge (SDC) Methodology to reflect current land and development costs and to consider:
  - A. The development of a dependable, long term funding source



- or sources that can be used to provide the overall project costs assigned to non-SDC funding sources in the SDC study's capital improvement program;
  - B. Adjustments to the extraterritorial (Urban Growth Area) improvement projects identified in the SDC capital improvement program; and
  - C. Adjustments to the SDC fee structure that reflects realistic non-SDC revenue expectations.
- i. Consider seeking voter approval as early as November 2008, and no later than November 2010, to fund needed park and open space acquisitions and improvements.
  - ii. Utilize alternative methods to acquire and develop open space, parks, and trails, including local improvement districts, purchase of easements and development rights, life estates, etc.
  - iii. Work to increase grants and donations from new sources for operating and capital funding.
  - iv. Consider the establishment of a parks foundation to assist with fund raising, and acquisition, and special projects.
  - v. Explore additional ways to acknowledge and recognize sponsors and donors.
  - vi. Continue to use park reservation fee schedules that provide cost recovery balanced against needed services. Provide services to City residents at lower costs than to non-residents.
  - vii. Continue efforts to involve the public in the allocation of and request for funds.
  - viii. Identify funding for required maintenance and management activities when considering acquisition of new parkland and open space.
  - ix. Where applicable, take into consideration the costs of public safety services when considering acquisition of new parkland and open space.
  - x. Consider voter approval to fund needed recreation facilities and a recreation program.
  - xi. Financially assist, when able, youth sports leagues and other non-profit recreation providers
  - xii. Make parks, trails, and open spaces universally accessible by as many people as possible.
  - xiii. Provide public access to public open space in ways that protect and preserve sensitive natural resources.



- xiv. Continue to seek the assistance of volunteer groups to help in developing and maintaining parks, trails, and open spaces.
- xv. Create volunteer opportunities and support those who want to participate in making ideas, projects, and events happen in their neighborhood parks.
- xvi. Develop and apply administrative policies and procedures for use of volunteer resources.
- xvii. Continue to develop and implement specific management plans and maintenance programs for the high level maintenance of all of the City's park and open space lands.
- xviii. Seek opportunities to introduce more environmentally-friendly, science-based practices, including measures to increase re-use and recycling programs, on-site filtration, integrated pest management, and other best management practices.
- xix. Develop and implement an urban forestry program to improve the condition of Tigard's urban forest through effective management decisions.
- xx. Include natural resources surveys and monitoring in the City's management of public open spaces and related natural resources.
- xxi. Remove and control invasive species and noxious weeds in natural areas.
- xxii. Inform the public about maintenance and management requirements for the City's various types of parks, recreation facilities, trails, and open spaces, as for example by posting maintenance plans on the City webpage.

## GOAL

- 8.2 Create a City-wide network of interconnected on- and off-road pedestrian and bicycle trails.

## POLICIES

1. The City shall create an interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban activity centers, and regional recreational opportunities.
2. The City shall design and build greenway trails and paths to minimize their impact on the environment, including on rare and state and federally listed species.



### RECOMMENDED ACTION MEASURES

- i. Complete a trail system master plan to guide the development of the trail system and facilitate progress toward its completion.
- ii. Complete a Citywide inventory and prioritization of opportunities for short pathway connections that increase bicycle and pedestrian connectivity and complement the greenway and on-street bicycle/pedestrian systems.
- iii. Develop trail standards for the many trail systems, sizes, and materials needed in different settings.
- iv. Add to the park system master plan map:
  - a. The Tigard portions of two “regionally significant” trails (the Westside Trail (formerly, the Powerline Trail) and the Washington Square Loop Trail); and
  - b. The on- and off-street route identified by the citizen groups that connects the Washington Square Loop Trail with the Portland Urban Trail Number 5, which ends at SW Dickinson and SW 65<sup>th</sup>.
- v. Coordinate trail development and maintenance activities with natural resource management objectives and activities.
- vi. Where appropriate, furnish trails with amenities, such as interpretive and directional signage, benches, drinking fountains, parking and staging areas, and other services.
- vii. Use automated systems to systematically map and document trail easements, right-of-way dedications, proposed alignments, and current trail locations.

### GOAL

- 8.3 Develop full-service recreational facilities and establish a comprehensive recreation program, providing a wide range of recreational, cultural, and educational activities.

### POLICIES

1. The City shall establish a recreation program served by high quality community facilities.



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## RECOMMENDED ACTION MEASURES

- i. Develop an information program to raise the public's awareness of the importance of recreational facilities and programs to public well-being and community livability.
- ii. Identify potential partners, including school districts, special service districts, private providers, etc., for the provision of recreation programs.
- iii. Work with the community to assess appropriate elements for a recreation program.

### 3.5 ~~PARKS, RECREATION AND OPEN SPACE~~

#### Findings

- ~~In Tigard, public and private organizations can play an important role in providing leisure and recreational opportunities and cultural activities.~~
- ~~Many of the Tigard School District sites provide recreational needs not found within many of Tigard's parks.~~
- ~~Small parcels of unbuildable land resulting from urbanization can provide mini-parks or landscaped areas.~~
- ~~A properly planned and managed system of open space and recreation lands can reduce the impact of urbanization and serve the leisure and aesthetic needs of all residents. The system needs to recognize the relationship between urban uses and the natural character of the land and drainageways.~~
- ~~The community has indicated a desire for open space linkages which follow scenic routes and connect parks, schools, playgrounds, shopping areas, other public sites and residential areas.~~
- ~~The City needs to develop an adequate system of open space, recreation lands and facilities to retain and improve livability of the community.~~
- ~~In the process of planning for a park and recreation system, it is necessary to classify the individual components such as neighborhood parks and the greenway which will or could comprise the park system. In addition, the establishment of a reasonable acquisition and development program requires a listing of priorities and minimum levels of service to be provided. The actual development of such a system requires relating the provision of facilities and services to the particular needs and recreation desires of the residents to be served.~~

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#### POLICIES

- 3.5.1 ~~THE CITY SHALL ENCOURAGE PRIVATE ENTERPRISE AND INTERGOVERNMENTAL AGREEMENTS WHICH WILL PROVIDE FOR OPEN SPACE, RECREATION LANDS, FACILITIES, AND PRESERVE NATURAL, SCENIC AND HISTORIC AREAS IN A MANNER CONSISTENT WITH THE AVAILABILITY OF RESOURCES.~~
- 3.5.2 ~~THE CITY SHALL COORDINATE WITH THE SCHOOL DISTRICTS TO DEVELOP RECREATIONAL FACILITIES.~~

~~3.5.3 THE CITY HAS DESIGNATED THE 100-YEAR FLOODPLAIN OF FANNO CREEK, ITS TRIBUTARIES, AND THE TUALATIN RIVER AS GREENWAY, WHICH WILL BE THE BACKBONE OF THE OPEN SPACE SYSTEM. WHERE LANDFILL AND/OR DEVELOPMENT ARE ALLOWED WITHIN OR ADJACENT TO THE 100-YEAR FLOODPLAIN, THE CITY SHALL REQUIRE THE CONSIDERATION OF DEDICATION OF SUFFICIENT OPEN LAND AREA FOR GREENWAY ADJOINING AND WITHIN THE FLOODPLAIN.~~

~~3.5.4 THE CITY SHALL PROVIDE AN INTERCONNECTED PEDESTRIAN/BIKEPATH THROUGHOUT THE CITY.~~

~~(Rev. Ord. 98-19; Ord. 87-66; Ord. 84-36)~~

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#### IMPLEMENTATION STRATEGIES

- ~~1. The Tigard Community Development Code shall require land divisions and major developments to set aside, dedicate land, or pay a fee in lieu of land aside based on standards, and the standards shall provide for:
  - ~~a. An area composed of developable lands which may provide active recreation space; and~~
  - ~~b. Adequate passive open space to protect natural resources at the site and protect development from hazard areas.~~~~
- ~~2. The City shall permit land which is set aside within developments to remain in private ownership provided:
  - ~~a. Portions are sufficiently improved and maintained to offer active recreation opportunities;~~
  - ~~b. They do not interfere with the continuity of or access to adjacent greenway lands; and~~
  - ~~c. Easements transferring development rights are dedicated to the public.~~~~
- ~~3. The Tigard Community Development Code shall indicate flexible design options which mitigate the impacts of required open space and recreation land dedication or reservation.~~
- ~~4. The City shall designate natural park areas within a Tigard Master Parks Plan. The areas will have unique physical or aesthetic features and do not have to be developed to be of recreational use to the community. Areas which have special physical features such as natural watercourses, significant vegetation, scenic vistas, and that provide~~

habitat for wildlife, will be considered.

5. ~~Open space and greenways shall be used to enhance the accessibility to schools and parks by establishing a safe and well-marked trail system which will also connect with significant regional trail systems.~~
6. ~~Park classifications and standards shall be adopted and a program developed for acquisition and development of a park and open space system to ensure an adequate supply of usable open space and recreational facilities, directly related to the specific needs of the local residents.~~
7. ~~Streets and drainageways shall be combined with a parkway or greenway concept to permit linkages between open spaces, residential areas, recreation lands and centers of economic activity.~~
8. ~~The City shall continue to seek assistance of volunteer groups to assist in developing and maintaining parks.~~
9. ~~Master plans for each park shall be developed. These plans shall identify facilities for each park and ensure development which promotes safe and aesthetically pleasing environments while minimizing the harmful effects of noise, air pollution, vehicular traffic and other negative aspects of urban life.~~
10. ~~The City shall continue to implement the adopted bike plan by requiring development adjacent to the Greenway to construct their portion of the bikepath system.~~
11. ~~To augment the scenic benefit of the greenway, the City shall establish the major vehicular transportation routes as scenic or visual corridors. The Park Board should plan and initiate a program (through public and private cooperation) for corridor landscape preservation and/or improvement. (Ord. 87-66)~~

### 3.6 PARK STANDARDS

#### Findings

- ~~Currently, there are 128.90 acres of City park land in Tigard, 113.98 acres of dedicated greenway, and 1.71 miles of greenway trails.~~
- ~~There are adopted plans for eight of the nine City parks.~~
- ~~Although Scheekla Park has not been accepted by the Park Board, the land was dedicated to the City for park purposes.~~
- ~~Due to recent cut backs in revenues to the City, the City has substantially limited its park maintenance program.~~
- ~~The City's Park System Development Charge is acquired through new development~~



~~and is used solely for park acquisition, development or major capital acquisition. Park maintenance is paid for through the City's general fund.~~

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## ~~POLICIES~~

~~3.6.1 INDIVIDUAL PARK SITES, AS DEFINED BY THE PARKS AND OPEN SPACE STANDARDS AND CLASSIFICATION SYSTEM SHALL BE DEVELOPED ACCORDING TO THE FOLLOWING PRIORITIES:~~

- ~~a. FACILITIES WITHIN A PARK WILL BE ADJUSTED TO MEET THE NEEDS AND DESIRES OF THE PARK SYSTEM DEVELOPMENT CHARGE (SDC) DISTRICT RESIDENTS AND THE CHARACTERISTICS OF THE SITE. PARK AND/OR RECREATIONAL FACILITIES IN GREATEST DEMAND AND LEAST SUPPLY SHOULD RECEIVE THE HIGHEST DEVELOPMENT PRIORITIES.~~
- ~~b. PARKS SHOULD BE PLANNED TO ENSURE MAXIMUM BENEFIT TO THE GREATEST NUMBER OF LOCAL RESIDENTS. FOR THIS REASON, ACQUISITION AND DEVELOPMENT OF COMMUNITY-LEVEL PARKS SHOULD BE GIVEN THE HIGHEST PRIORITY.~~
- ~~c. DEVELOPMENT OF ADDITIONAL NEIGHBORHOOD PARKS WILL HAVE A LOWER PRIORITY FOR PUBLIC FUNDING AND ARE ENCOURAGED TO BE PROVIDED BY THE PRIVATE SECTOR WITHIN PLANNED UNIT DEVELOPMENTS AND MAINTAINED BY HOMEOWNERS ASSOCIATIONS.~~
- ~~d. NEW MINI PARKS HAVE THE LOWEST DEVELOPMENT PRIORITY AND SHOULD BE SUPPLIED AT THE DEVELOPER'S OR NEIGHBORHOOD'S EXPENSE AND MAINTAINED BY A NEIGHBORHOOD ASSOCIATION CREATED AS PART OF THE DEVELOPMENT PROCESS.~~
- ~~e. PROVISION OF REGIONAL PARK FACILITIES WILL ONLY BE CONSIDERED AS AN INTERJURISDICTIONAL PROJECT, AND SHOULD HAVE A LOW PRIORITY UNLESS UNUSUAL CIRCUMSTANCES ARISE.~~
- ~~f. ACCEPTANCE OF ANY LAND DEDICATED FOR PARK~~

~~PURPOSES SHALL BE BASED UPON ITS USEFULNESS AND ADAPTABILITY TO THE ADOPTED PARK AND OPEN SPACE SYSTEM.~~

~~3.6.2 THE CITY SHALL COORDINATE WITH OTHER PUBLIC, PRIVATE ORGANIZATIONS AND AFFECTED PRIVATE PROPERTY OWNERS IN ORDER TO FACILITATE THE IMPLEMENTATION OF THE CITY'S ADOPTED PARK PLANS.~~

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#### IMPLEMENTATION STRATEGIES

- ~~1. The City shall continue to seek revenue sources to facilitate in the implementation of the adopted park plans. The adopted park plans are: Fanno Creek Park, Cook Park, Woodard Park, Jack Park, Summerlake Park, Englewood Park, Liberty Park and Ye Old Windmill Park.~~
- ~~2. The City shall develop a "future park needs assessment" to determine the number of acres needed for future park uses. The current park standards shall be used as a basis for this assessment. The future park needs assessment will specifically address community park needs.~~
- ~~3. As a precondition to development, the City's Community Development Code shall require the dedication of the greenway and park land, if not already dedicated.~~
- ~~4. The City shall continue to implement the adopted pedestrian/bikepath pathway plans.~~

CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
August 20, 2007

**1. CALL TO ORDER**

President Inman called the meeting to order at 7:03 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**2. ROLL CALL**

Commissioners Present: President Inman; Commissioners Anderson, Caffall, Doherty, Fishel, Hasman, Muldoon, Vermilyea, and Walsh

Commissioners Absent:

Staff Present: Ron Bunch, Assistant Community Development Director; Darren Wyss, Associate Planner; Duane Roberts, Associate Planner; Marissa Daniels, Assistant Planner; Jerree Lewis, Planning Commission Secretary

**3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS**

Commissioner Walsh advised that the Tree Board will have a workshop with the Planning Commission in September. The Board has been working on the goals, policies, and action measures for the management and preservation of trees and other vegetation. Walsh provided copies of the working draft to the Planning Commission. The Tree Board received input from the Policy Interest Team, staff, and the Homebuilder's Association.

Commissioner Caffall reported on the Committee for Citizen Involvement. He reported that the neighborhood webpages are almost ready to go. It's anticipated that everything will be online by the first of the year. The CCI is scheduled to present changes to their membership requirements to Council tomorrow night. The Hwy. 99W Committee will meet in the next few weeks to review ODOT material.

**APPROVE MEETING MINUTES**

None

**5. PUBLIC HEARING**

**5.1 COMPREHENSIVE PLAN AMENDMENT (CPA) 2007-00001**

**Tigard Comprehensive Plan Update of Statewide Planning Goal 6: Air, Water, and Land Quality Resources, Goal 8: Recreation Needs, and Goal 13: Energy Conservation**

**REQUEST:** Amendments to the current Comprehensive Plan Topics 3: Natural Features and Open Space; 4: Air, Water, and Land Resources Quality; and 9: Energy by updating the goals, policies and recommended action measures to reflect current community conditions and values. The complete text of the proposed Amendment can be viewed on the City's website at [http://www.tigard-or.gov/code\\_amendments](http://www.tigard-or.gov/code_amendments). **LOCATION:** Citywide. **ZONE:** CBD, C-G, C-P, I-H, I-L, I-P, MUC, MUE, MUE-1, MUE-2, MUR-1, MUR-2, R-1, R-2, R-3.5, R-4.5, R-7, R-12, R-25. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.360, 18.370, 18.380, 18.390, 18.705, 18.715, 18.765, 18.775 and 18.810; Comprehensive Plan Policies 2, 3 & 4; Metro Functional Plan Title 3 and 13; and Statewide Planning Goals 1, 2, 5 and 6.

**STAFF REPORT**

Darren Wyss reported that this proposed amendment will replace current topics 4 and 9 of the Comprehensive Plan in their entirety; and for topic 3, policies 3.5.1, 3.5.2, 3.5.3, 3.5.4, 3.6.1, 3.6.2 will be replaced. Changes requested at the July 16<sup>th</sup> Planning Commission meeting have been incorporated into the proposed language (Exhibit A). Staff has reviewed the proposed amendment according to the applicable review criteria and finds that it satisfies the Community Development Code, the Tigard Comprehensive Plan, the Metro Urban Growth Management Functional Plan, and the Statewide Planning Goals.

Outside agency comments have been received. DLCD recommended a couple of clarifications which are found in the staff report. Other agency comments and Comprehensive Plan Update Department Review Team recommendations are also included in the staff report. Wyss detailed revisions to the language since the July 16<sup>th</sup> Planning Commission meeting.

Duane Roberts reviewed proposed changes to the Parks, Recreation, Trails, and Open Space chapter (Exhibit B). He advised that the second revision requested by Sue Bielke is already in the proposed language.

It was requested that the term "non-native plants" in 8.1.xxxii be replaced with the term "invasive species." Sometimes a non-native species may be better suited in an area than a native species.

It was clarified that 8.1.xxi is not meant to eliminate existing programs for the Senior Center and Library. It is attempting to provide additional programs.

Commissioner Doherty encouraged the use of signs in sensitive areas to discourage such things as dogs and litter.

## PUBLIC TESTIMONY – IN FAVOR

Carl Switzer, 10310 SW Hoodview Drive, Tigard 97224 testified that he has been chairman of the Parks and Recreation Advisory Board and a member of the Policy Interest Team (PIT) for Parks and Recreation. He believes it is intolerable that there is no funded recreation program in Tigard.

The PIT put forth recommendations for the Comprehensive Plan. Subsequently, staff has red lined them. He encouraged the Commission to incorporate the PIT comments rather than the staff comments, e.g., 8.1.13. This will provide guidance in the future to provide publicly funded recreation in Tigard. Another policy that he would like to see reinstated is 8.3.1.

Switzer encouraged the Commission to support citizen input. When asked how much money it could take, he said the City could start small and grow from there. There are ways to fund a recreation program – establish a special district, such as Tualatin Hills Parks and Recreation, which is a separate taxing entity that provides all of its own facilities, maintenance, and programming; use a combination of general fund dollars and user fees, along with additional grants; join with a neighboring special recreation district and share the cost of providing service; work with a private entity like Sherwood has done with the YMCA.

Switzer couldn't provide an estimate of how much it would cost to start a recreation program. However; he did say that he believes the Comprehensive Plan is a guiding, visionary document that will lead us through the next 20 years. If we don't have language that supports and asks for or maybe even requires a recreation program, we'll never see it in Tigard.

Concern was raised about the language obligating the City to provide facilities and a full scale program if there isn't adequate funding. Switzer said that Tualatin Hills Park and Recreation District has been around for many years. They did not start with everything that they have now. This proposed language doesn't say anything that would handcuff the City; the spirit is that Tigard will invest in public recreation in some capacity.

Switzer said it's not anyone's intention to place an undue burden on the City and how the process works isn't as important as having it clear in the Comprehensive Plan that there's something that can be implemented. The City's consultant found favorable results for a recreation program and the Park and Recreation Advisory Board (PRAB) has spent a lot of time working on this. Public meetings were held and a number of people expressed support for a program.

John Frewing, 7110 SW Lola Lane, Tigard 97223 supports Mr. Switzer's ideas. There has been a survey and there is significant support for a recreation program in the City. The

language is only asking the City to consider seeking voter approval. He believes the language of the PIT should be reinstated.

Frewing noted that the 2004 survey indicated that citizens would rather pay for open spaces than recreation facilities and programs. He believes that both should be included in the Comprehensive Plan.

Frewing is concerned about the adoption process for the Comprehensive Plan. The Comp Plan is an integrated document. He thinks the Planning Commission should recommend to City Council that they tentatively adopt these chapters and when it's all done, bring it all back together to check for issues of integration to see if anything has been missed. He equated the process to signing a contract with only seeing the first page of the contract. Council should give tentative approval and reserve final approval until the whole package is done.

Staff advised that when the language is adopted by Council, it will replace the existing language in the Comprehensive Plan. We are replacing existing language in the Comp Plan piece by piece. At the end of the process, if there parts of the plan that seem to be disjunctive or create a conflict, then it is possible to go through the amendment process to make changes. Staff is looking at the policies very carefully to make sure they're integrated. One reason we're going through the adoption process bit by bit is that we need the tools to start building a policy base to do such things as adopting a new tree code. Changes to the Comprehensive Plan can be approved in parts.

## **PUBLIC HEARING CLOSED**

The Commissioners deliberated the proposed language at length. It was noted that the Parks and Recreation Policy Interest Team was put together for the specific purpose of analyzing issues, developing data, developing answers, and making recommendations. The most desirable outcome is that the City has a fully functioning Parks and Recreation system.

The recent visit to Port Moody, B.C. was mentioned. The recreation program in Port Moody has been in place for quite awhile and is making money. They have been able to expand their program.

Commissioner Vermilyea commented that the intent of proposed language is to have a high quality program served by high quality facilities. It is not the purpose of the Planning Commission to determine how it is going to be funded or what it will look like. The purpose is to decide whether this is important enough to establish goals and policies for putting a recreation program together. The details can be worked out by policy makers.

The Commission took a break so staff could work out new language to capture what the Commissioners have been discussing. When the meeting reconvened, the Commissioners



moved on to agenda item #6 [see agenda item #6] until staff was finished with the new language.

Motion by Commissioner Vermilyea, seconded by Commissioner Caffall, to reopen the public hearing. The motion was approved as follows:

AYES: Anderson, Caffall, Doherty, Fishel, Hasman, Muldoon, Vermilyea, Walsh

NAYS: None

ABSTENTIONS: Inman

EXCUSED: None

## **PUBLIC HEARING REOPENED**

John Frewing would like to add an item #D to Policy #1 of the Energy chapter to read, "Orient new transportation capabilities to facilitate the broad use of commuter rail." When new streets are planned, they should provide parking for commuter rail.

For 8.2, Policy #1, Frewing suggested adding the word "schools." He believes the trail system should be connected to schools. Staff advised that the City has received funding to identify shortcuts within the older areas of the City, which would include safe routes to schools and trails leading to schools. Commissioner Doherty suggested checking with the school district first to see if they have concerns about safety.

For action measure 8.2.vii, Frewing would like to add the words, "open space tracts and neighborhood common areas." A number of subdivisions have open space tracts and common areas. He would like these identified on Tigard's trail map. President Inman questioned this from a liability standpoint. A lot of open spaces in Planned Developments and common areas are not open to the general public because it introduces a liability to the homeowners. The homeowners probably would not want them identified on a published map. Frewing said the intent is to know that they exist for the purpose of eventual trail construction if it's acceptable to the neighborhood association or whoever controls it.

Motion by Commissioner Vermilyea, seconded by Commissioner Caffall, to close the public hearing. The motion was approved as follows:

AYES: Anderson, Caffall, Doherty, Fishel, Hasman, Inman, Muldoon, Vermilyea, Walsh

NAYS: None

ABSTENTIONS: None

EXCUSED: None

## **PUBLIC HEARING CLOSED**

After more discussion, the Commissioners recommended the following revisions to the proposed language:

- Goal 8.1, Policy #13 shall read, “The City shall identify funding to build recreation facilities and provide a full service recreation program.”
- Goal 8.1x shall read, “Consider seeking voter approval, as early as November 2008 and no later than November 2010, to fund needed park and open space acquisitions and improvements.”
- Goal 8.1xix shall read, “Consider voter approval to fund needed recreation facilities and a recreation program.”
- Goal 8.1xx, xxi, xxii – delete all 3 action measures.
- Goal 8.1xxxiii, amend to read, “Remove and control invasive species and noxious weeds in natural areas.”
- Goal 8.3ii is now 8.3i.
- Add an additional action measure under Goal 8.3 – “ii: Identify potential partners including school districts, special service districts, private providers, etc., for the provision of recreational programs.”
- Goal 8.3, Policy #1 will read, “The City shall establish a recreation program served by high quality community facilities.”
- Goal 8.3, Policy #2 shall be deleted.
- Goal 8.3, add an action measure, “iii: Work with the community to assess appropriate elements for a recreation program.”
- Goal 8.1xxxii, delete “When feasible and appropriate.”
- Goal 8.1xxxiii, delete “where feasible and appropriate.”
- Goal 8.2vii, delete “If adequate resources are available.”
- Goal 8.1xxxii, change the word ‘studies’ to ‘surveys’.
- Goal 8.1xi, delete “when feasible.”
- Goal 8.1xxiv, delete “When feasible and appropriate.”

Per John Frewing’s request, it was suggested to add item D to policy 1 “Orient additional transportation improvements to encourage the use of commuter rail.” Staff recommended



not including the language in this Chapter. There is a transportation section that will be coming to the Commission in the future. It deals specifically with public transportation, trails, and other elements of the transportation system. It would be a more appropriate place to address commuter rail. It was asked if it would be sufficient to take it out of the energy section and just leave it in the transportation section. Staff said that the transportation policy encompasses everything – commuter rail, buses, and other public transit. This would be a more appropriate section to address specific issues about commuter rail. The Downtown section of the Comprehensive Plan also deals with activities around the commuter rail station. Ron Bunch advised that the City will be updating the Transportation System Plan. One component of that is energy reduction through use of transit and other kinds of system management programs. After more discussion, it was decided to leave the language as is.

With regard to open spaces and common areas and their relationships to the trail inventory system, the Commissioners determined that it has been addressed with the language in 8.2.vii. The language will be left as is.

The Commissioners discussed whether to add schools to the network of trails and paths in Policy 8.2.1. They decided to leave the language as is, not adding schools to the list.

It was suggested to delete the words “when able” under 8.1xxiii. After discussion, the Commissioners decided to leave the language as is.

Motion by Commissioner Vermilyea, seconded by Commissioner Caffall, to forward a recommendation of approval to the City Council of application CPA 2007-00001 and document findings and conditions of approval contained in the staff report as amended, based on the testimony we’ve heard and the discussion of the Commission as memorialized in the minutes of the meeting this evening. The motion was approved as follows:

AYES: Anderson, Caffall, Doherty, Fishel, Hasman, Inman, Muldoon, Vermilyea, Walsh

NAYS: None

ABSTENTIONS: None

EXCUSED: None

## **6. COMPREHENSIVE PLAN WORKSHOP - HAZARDS**

Marissa Daniels reported on the draft goals, policies, and action measures of the Hazards section of the Comprehensive Plan (Exhibit C). She provided information on how the draft language was developed.

Daniels advised that the opinions of the PIT agree with those of staff on all but 2 issues. The first is the way in which we define high hazard areas. The Hazards PIT prefers that hazard areas be defined by map for all hazards. Currently, the floodplain is defined by FEMA map and landslide prone areas are defined by text. Staff recommends against defining hazard areas by map, as map error and map scale may interfere with the accuracy of hazardous conditions.

The second issue is the creation of a natural hazards home inspection program. The PIT proposes that the building department offer home inspections to property owners to check for possible vulnerability to natural hazards. The building department does not currently have the expertise to evaluate homes on this level. Frequently, a geotechnical or structural engineer is needed to determine whether a home is at risk. Implementing this program will require the creation of one or more new positions and would have budgetary consequences. Staff is also concerned about the liability involved in determining whether or not a home is at risk of natural hazards.

Commissioner Muldoon asked about a hazard mitigation methodology for buried utilities. He also asked about a mechanism for identifying likely flat roof collapse during severe weather and how it could be shared with the public. Daniels advised that underground utilities issues would be covered in the Public Facilities section of the Comp Plan. Regarding flat roofs, she noted that severe weather isn't just ice and wind; it also includes things like drought and extreme heat. In the Comp Plan, once we start specifying one thing, such as flat roofs, it could open the door to a host of other possible problems. She believes it's better to deal with it in the Mitigation Plan which will identify particular action items. Also, hazard response is not covered in the Natural Hazards section of the Comp Plan; it is covered in the Public Safety section of Public Facilities. Muldoon is interested in an action measure so that during times of severe weather, there would be public information on the possibility of roof collapse. Staff said they could add an action measure in the Public Safety section.

Comments from the Planning Commission (responses are in italics):

- Use sub-headings for each of the hazards to make it more readable.
- Under key findings, it states that as of June 2006, Tigard owns 35% of the 100-year floodplain. What is the breakdown of the remaining portion? *Portions are in the public sector; the school district also owns property in the floodplain. Staff can break out the information for the Commission.*
- Clarification was requested for Policy #9 (zero-foot rise floodway). *It means you can't put any fill in a floodplain. If you put a shovelful of dirt in, you have to take a shovelful of dirt out – zero net rise.*
- For Policy #13, replace native with non-invasive species.
- For action measure vi, does that include business practices? For example, there is an auto wrecking yard along Hwy. 99W close to Sherwood in the 100-year floodplain. During the last flood, cars were floating and obviously polluting the water. Perhaps we could add an action measure to encourage changes to business practices that would be consistent with water quality standards or as set forth by EPA or DEQ. *It could be addressed in several different chapters, but ultimately, the Development Code determines whether or not a hazardous storage facility would be allowed within a 100-year floodplain or on an adjacent property.*
- Regarding 7.2.ii, how often is the Tigard Emergency Operations Plan updated? *Staff will find out. Staff advised that Goal 7.2 goes above and beyond the Statewide Planning Goal. The Statewide Planning Goal addresses only natural hazards and does not mention severe weather.*
- The policy for business practices discussed earlier could also be applicable under 7.2.

- TVFR always has current emergency response guides. This, in some ways, parallels that.
- Does Goal 7.2 adequately address live drills for citizens? *The City offers a CERT program which covers specific training for citizens. Other than that, we work with Washington County for our emergency education/training.*

## 7. OTHER BUSINESS

President Inman reminded the Commissioners that when they take a break, they should not be discussing the hearing item(s) outside of the public realm. Comments need to be on the record.

The Commission returned to Agenda Item #5.1.

## 8. ADJOURNMENT

The meeting adjourned at 10:42 p.m.

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Jerree Lewis, Planning Commission Secretary

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ATTEST: President Jodie Inman

## Environmental Quality

Environmental Quality addresses the quality of air we breathe, water in aquifers, wetlands, streams and lakes and the responsible management and disposal of waste. Environmental quality is essential for a high quality of life including a strong and sustainable economy. Therefore, Portland metropolitan area governments and agencies, in cooperation with state and federal governments, have developed systems to address urban development's impacts on air, water and land resource quality. This includes measures to prevent environmental degradation and the need for conservation. Statewide Planning Goal 6 requires Oregon jurisdictions to adopt Comprehensive Plans that provide goals and policies as the basis to manage development's impacts on air, water and land resources

### Goal 6: Air, Water and Land Resources Quality

*"To maintain and improve the quality of the air, water and land resources of the state."*

The community's vision is for a future where the character and livability of Tigard is enhanced by the quality of the surrounding environment. The citizens know the importance of participating in regional partnerships, of ensuring the natural resource systems function to provide clean air and water, and of developing land use patterns and a multi-modal transportation system that reduces the dependency on the automobile. Furthermore, it is recognized that expected population growth in the region will require further effort and innovation to protect environmental quality.

At the local level, Tigard can protect environmental quality by ensuring its land use policies, codes, and standards are up-to-date with contemporary best management practices; that it is compliant with state and federal environmental laws and administrative rules; and that it leads by example in employing environmentally sound and sustainable practices in its municipal operations. The City also has an opportunity to educate its citizens of how changes in daily life can improve environmental quality.

## Section 1: Air Resources Quality

Clean air is essential for human well-being. Furthermore, if a region violates federal and state clean air rules there can be significant negative impacts on the economy as a result of mandated actions to improve air quality. To ensure access to clean air, the federal Clean Air Act was created as the primary regulatory framework for national, state and local efforts to protect air quality. Under the Clean Air Act, the Environmental Protection Agency (EPA) is responsible for setting standards, known as National Ambient Air Quality Standards (NAAQS), for pollutants considered harmful to people and the environment. Air quality planning is focused on meeting the NAAQS and setting deadlines for meeting these standards.

The Oregon Department of Environmental Quality (DEQ) is responsible for protecting Oregon's air quality by issuing permits, developing programs, and monitoring air pollution to ensure communities meet the NAAQS and to protect Oregon's pristine views. Air pollutants identified in the 2005 DEQ *Air Quality Report* as the greatest concern in Oregon are:

- Ground-level ozone, commonly known as smog;
- Fine particulate matter (mostly from wood smoke, other combustion sources, cars and dust);
- Hazardous air pollutants (also called Air Toxics); and

- Carbon monoxide (mostly from motor vehicles).

As air quality does not know political boundaries, regional efforts were established to monitor and plan for pollutants. The City of Tigard is part of the Portland Area Airshed (PAA), which is defined by the Metro service boundary. The DEQ is responsible for ensuring the PAA meets the national standards and developing the necessary plans to continue compliance. Currently, the PAA meets all NAAQS standards (three-year averages are used to determine attainment/non-attainment of the standards: eight-hour ozone, particulate matter, and carbon monoxide). However, DEQ is required to develop maintenance plans for carbon monoxide and ozone to ensure continued compliance.

At the local level the City can have a positive impact on air quality. Land use, transportation and public facility planning can promote land development patterns and transportation systems that reduce dependence on the automobile. The city can coordinate with the Oregon Department of Environmental Quality to ensure that industries requiring DEQ permits comply with state and federal regulations. Also, the city can protect existing natural areas and mature trees and promote and participate in tree planting efforts. Vegetation has the natural ability to convert and sequester carbon dioxide and produce oxygen. Trees and shrubs can also serve to screen and buffer dissimilar land uses and attenuate noise pollution. The city can also ensure its codes and regulations prevent and mitigate other negative air quality impacts associated with urban development such as visible emissions, odors, glare and heat.

#### Key Findings

- Within urban areas, air quality is often much worse along major roadways.
- DEQ has issued six active Air Contaminant Discharge Permits (ACDP) within the City to regulate minor sources of contaminant emissions.
- Motor vehicles are now the primary source of air pollution in Oregon and due to population increases, the number of miles driven daily by Tigard residents has increased 67% since 1990.
- The primary sources of household pollutants in Tigard include wood burning fireplaces, and lawn and garden equipment.
- The Oregon Legislature adopted a number of specific measures to address air quality in the region.
- The citizens of Tigard value trees and natural resources and feel that protecting these resources will benefit the community.

#### Goal

- 6.1 Reduce air pollution and improve air quality in the community and region.

#### Policies

1. The City shall ensure that all development complies with or exceeds regional, state, and federal standards for air quality.
2. The City shall support regional and state plans and programs to attain regional, state, and federal standards for air quality.
3. The City shall promote land use patterns which reduce dependency on the automobile, are compatible with existing neighborhoods, and increase opportunities for walking, biking,

and/or public transit.

4. The City shall continue to investigate and implement practices that reduce air pollution associated with municipal operations.
5. The City shall cooperate with other public agencies to minimize localized transportation impacts to air quality through intersection improvements, access management, intelligent transportation systems, etc.
6. The City shall encourage the maintenance and improvement of open spaces, natural resources, and the City's tree canopy to sustain their positive contribution to air quality.
7. The City shall improve the Environmental Performance Measures to minimize impacts from noise and light pollution.
8. The City shall encourage citizens to modify their household actions, through education and incentives, to reduce emissions. This may include alternatives for heating, lawn and garden equipment, and transportation.

#### Recommended Action Measures

- i. Perform a land use analysis to identify residential zones that could potentially accommodate mixed use or neighborhood commercial development.
- ii. Adopt and implement development regulations that include provisions or incentives for alternative transportation use, particularly in Metro designated corridors and centers.
- iii. Perform a sidewalk inventory that results in a city-wide GIS layer to be used for gap analysis and the creation of a sidewalk improvement plan.
- iv. Work with TriMet to identify underserved neighborhoods and find the funding to add service in these areas.
- v. Pursue funding for ~~transportation-related projects~~ **intersection improvements, access management controls, and intelligent transportation systems** that would help to reduce congestion.
- vi. Expand the free street tree program by actively engaging neighborhoods and creating a pool of community volunteers to help with the plantings.
- vii. Place educational materials in the **schools**, Tigard Public Library, and City Hall that demonstrate actions individuals can implement to help improve air quality in the community.
- viii. Research "dark skies" regulations from other municipalities and develop standards for Tigard.
- ix. Research the feasibility of a buyback program for older wood burning stoves.
- x. Research the feasibility of banning **gas-powered** leaf blowers and a buyback program for petroleum powered lawn equipment.
- xi. **Develop an ongoing committee to evaluate a Tigard public transportation system**



that would connect underserved neighborhoods with TriMet routes.

## Section 2: Water Resources Quality

The quality of the water in our aquifers, streams, rivers, lakes, and wetlands is important to the health and welfare of the community, as well as the fish and wildlife that rely on clean water for habitat. To limit harmful impacts from human activities on water quality, the Clean Water Act (CWA) was enacted. It regulates the discharge of pollutants into waterways through National Pollutant Discharge Elimination System (NPDES) permits. In the State of Oregon, the Department of Environmental Quality (DEQ) has been charged with establishing standards, regulating, and monitoring Oregon's waters for compliance with the CWA and NPDES.

Large municipalities typically have NPDES permits for their wastewater treatment facilities and for stormwater runoff, called a Municipal Separate Storm Sewer System (MS4) permit. In urban Washington County, which includes the City of Tigard, the permits have been combined and are held by Clean Water Services (CWS). The combined permit was issued for the entire Tualatin River watershed to guide a basin-wide effort to improve water quality. It requires CWS to submit a Stormwater Management Plan and a Wastewater Management Plan to DEQ. These two plans outline the best management practices that CWS, its member cities, and Washington County commit to employ to reduce pollutant discharges, regulate temperature, and comply with any Total Maximum Daily Load (TMDL) levels that have been established.

The City of Tigard is a co-implementer of the permits and associated plans through an Intergovernmental Agreement (IGA) with CWS. The IGA outlines the functions the City must perform that are critical to the operation, maintenance, and management of stormwater and wastewater facilities and to ensure compliance with the CWA.

Separate from the NPDES permit process, Clean Water Services has developed a Surface Water Management Program to manage non-point source pollution impacts on water quality. The *Healthy Streams Plan*, a public education program, and watershed restoration projects are among the several activities undertaken to improve the water quality of streams and wetlands within the Tualatin River basin.

The City also has an important role in improving water quality. For example, it has committed staff and resources to implement the *Healthy Streams Plan*. This involves ongoing efforts to restore stream health and associated riparian areas, educating the public about how individual actions can improve water quality, and coordinating policies and actions with other jurisdictions and agencies. These actions help maintain compliance with Metro's *Urban Growth Management Functional Plan Titles 3 and 13* and implement the *Nature in Neighborhoods Program*.

Tigard also seeks to improve water quality by adopting land use policies and regulations to prevent erosion and protect floodplains and other sensitive lands including tree groves, wetlands, and stream corridors. Land use regulations can also help reduce water pollution by reducing impervious surfaces, and requiring storm water retention and treatment on-site. Also the City can provide education about how low-impact development and green building techniques can conserve water and protect water quality. Furthermore the city maintains a sewer extension program to connect properties to the city sewer system that rely on septic tanks and drain fields.

## Key Findings

- Water quality in the Tualatin River basin has been generally improving since the 1970s, despite continued urbanization in the watershed.
- In 2006, Oregon DEQ characterized both Fanno Creek and the Tualatin River as having “poor” water quality within the City of Tigard. However, this is an improvement from the “very poor” ranking received in 1995.
- Non-point sources are the largest contributors to water pollution in both Oregon and the Tualatin River basin.
- Within Tigard, run-off from impervious surfaces, pet waste, and erosion/sedimentation are the most problematic non-point sources of pollution.
- To enhance water quality, the City has an active program of tree planting, water quality facility construction (vegetated swales and retention basins), and stream corridor and wetland enhancements.
- The citizens of Tigard are concerned about the impact of growth on the community’s natural resources.

## Goal

- 6.2 Ensure land use activities protect and enhance the community’s water quality.

## Policies

1. The City shall ensure that all development complies with or exceeds regional, state, and federal standards for water quality.
2. The City shall continue cooperation with federal, state, and regional agencies in the management of Tigard’s water resources and the implementation of plans and programs.
3. ~~The City shall prohibit increases in the percentage of Tigard’s effective impervious surfaces.~~  
**The City shall encourage the use of low impact development practices that reduce stormwater impacts from new and existing development.**
4. The City shall protect, restore, and enhance, to the extent practical, the natural functions of stream corridors, trees, and water resources for their positive contribution to water quality.
5. The City shall implement measures to minimize erosion and storm run-off from development sites during and after construction.
6. The City shall continue to collaborate on educating the public of techniques and practices private individuals, **commercial businesses, and industrial operators** can employ to help correct water quality issues.
7. The City shall investigate and use, to the extent practical, green street concepts ~~to construct new streets, or retrofit existing streets~~ **and other measures that limit the community’s effective impervious area.**
8. The City shall lead by example and develop green concepts for stormwater management at



City facilities.

9. **The City shall encourage the Oregon Department of Transportation and Washington County to improve the quality of stormwater run-off from their facilities.**
10. The City shall continue to facilitate the extension of the City's wastewater system to neighborhoods without service within the Tigard Urban Service Area, provided:
  - A. Properties benefiting from the extension pay their fair share of the cost; and
  - B. Annexation occurs prior to any property receiving service.

#### Recommended Action Measures

- i. Research and implement incentives that encourage development to minimize impervious surface coverage.
- ii. Continue to implement the CWS Healthy Streams Plan.
- iii. Work with the Tree Board to develop an urban tree ~~stewardship~~ **management and preservation** program that increases the canopy cover in Tigard.
- iv. **Continue to** inventory outfalls from non-treated stormwater systems and identify alternatives for improving the water quality released from them.
- v. Purchase properties located within the 100-year floodplain and develop a management plan that will allow for their natural function in removing pollutants from the stream system.
- ~~vi. Research putting the City of Tigard as a co-holder with CWS on the NPDES permits.~~
- vii. Develop baseline measures of effectiveness to ensure erosion control measures are working during the construction phase.
- viii. Research the feasibility of a grant program that would provide funds to organizations to develop educational programs.
- ix. Research the need and feasibility of public restrooms to provide sanitary facilities for the City's homeless population.
- x. Install signage and doggie pooper bags to encourage the clean up of dog waste in public parks.
- xi. Evaluate the City's street cleaning practices to ensure they are performing up to their intended results.
- xii. Research the feasibility of a commercial parking lot cleaning program and incentives for new development and retrofits to use green concepts during parking lot construction.
- xiii. **Educate the public about effects of flushing pharmaceuticals and develop a program to collect and properly dispose of them so they do not reach and contaminate our streams.**

### Section 3: Land Resources Quality

Modern life inevitably leads to the production of waste. From the point in time when cities are first developed, and continuing throughout their occupancy, by-products of human activity must be collected and properly disposed of to protect the health of both people and the natural environment. To accomplish this, the state of Oregon and Metro has partnered to create laws, rules and programs to direct reduction and efficient removal of waste. The Oregon Department of Environmental Quality (DEQ) is responsible for with ensuring compliance with state rules and statutes. DEQ is also responsible for preparing the *Oregon State Integrated Resource and Solid Waste Management Plan*.

Within the Portland Metropolitan Region, Metro has the responsibility for oversight and management of solid waste collection and disposal. This includes the responsibility to prepare and update the *Regional Solid Waste Management Plan*. The regional plan establishes the framework for coordinating most solid waste collection and disposal programs, directing waste reduction and recovery efforts, identifying roles and responsibilities, and fulfilling DEQ's requirement that the region have an overall waste reduction plan. The Regional Plan is also responsible for recommending ways to address the solid waste management impacts of future population and employment growth.

Tigard participates in Metro's plan update process and implements the plan through the Washington County Cooperative, which includes a number of cities in Washington County. This regional collaboration is important to reducing the amount of waste generated and entering landfills.

At the local level, the City is responsible for regulating and managing solid waste and recycling collection services within the city limits, and reviewing collection rates and service standards. Garbage and recycling collection services are provided by private haulers who operate within established franchise boundaries. The City enters into franchise agreements with the private haulers for the removal of solid waste generated from residential, commercial, and industrial customers.

#### Key Findings

- Per capita generation of solid waste has increased annually by 3.2% over the last ten years in the Portland metropolitan region.
- The region had a 59% waste reduction rate in 2005 and has set a target of 64% by 2009.
- Tigard's residential recycling rate was 53.5% in 2005, while the commercial recycling rate was 22.7%.
- Region-wide, there are significant opportunities for waste reduction improvements in the construction and business sectors.
- Oregon DEQ regulates hazardous waste collection, disposal, and cleanup programs. DEQ also provides education and technical programs to reduce risks associated with hazardous wastes.
- Metro maintains its own household hazardous waste recovery program in cooperation with DEQ.
- The citizens of Tigard are concerned about population increases and the impact upon the community.

#### Goal

6.3 Reduce the amount of solid waste entering landfills.

## Policies

1. The City shall continue collaborating with federal, state, and regional agencies in the development and implementation of solid waste management plans and programs.
2. The City shall regulate and manage solid waste and recycling collection services through franchise agreements that:
  - A. Ensure recycling opportunities are accessible to all households, businesses, and institutions;
  - B. Implement waste reduction measures through prevention and recovery efforts;
  - C. Remain cost effective and environmentally sensitive; and
  - D. Comply with applicable plans, policies, and laws.
3. The City shall collaborate with the appropriate agencies to ensure proper permitting, collection, disposal, and cleanup of hazardous wastes.
4. The City shall use public education to promote:
  - A. Opportunities for recycling, composting, and reuse;
  - B. Reduction of household hazardous waste and its proper disposal; and
  - C. Reduction of solid waste generated from construction and business activities.
5. The City shall reduce the amount of solid waste associated with municipal operations.

## Recommended Action Measures

- i. Find long-term partners and plan a yearly E-Waste Collection Event similar to the one in September 2006.
- ii. Start a composting program (including education) for City employees including the purchasing of compostable plates, utensils, and cups.
- iii. Research commercial and construction recycling programs that could be implemented in Tigard.
- iv. Develop and maintain a GIS database of DEQ hazardous waste permit sites and hazardous cleanup sites.
- v. Work with franchise haulers to adjust yard debris pick-up schedules to correspond with the demand during different seasons.
- vi. Research the possibility of expanding the number of items that can be recycled curbside.
- vii. Work with local businesses to act as collection points for household hazardous waste. For example, home centers would collect fluorescent light bulbs while paint stores would collect old, unused paint.
- viii. Support the creation of an Office of Sustainability in Washington County.

#### ~~4. AIR, WATER AND LAND RESOURCES QUALITY~~

~~This chapter addresses the concerns expressed by Statewide Planning Goal #6 which is:~~

~~———"to maintain and improve the quality of the air, land and water resources of the state."~~

~~Environmental issues, throughout our nation and region, have produced an impressive list of agencies dealing with some aspect of our environment. Nationally, there is a confusing array of agencies, groups and departments, some working specifically in the realm of environment and many others who deal with environmental aspects only inasmuch as their main concern impinges on environmental areas of concern.~~

~~The National Environmental Protection Agency (EPA) and the State Environmental Quality Commission (EQC) are two agencies devoted to measurement, control and understanding of our environments. In addition, there are others that devote only a portion of their efforts to environmental qualities, provide technical assistance, grants and guidelines to local or regional agencies.~~

~~State and regional authority bring to bear more specific concerns and regulations regarding their jurisdictions, again with an impressive array of agencies and regulatory statements. Specifically impacting Tigard is Metro, which has responsibility for: air quality, water and solid waste treatment, regional land use coordination, transportation strategies and other areas of concern appropriate to an urban region.~~

~~(Rev. Ord. 02-15)~~

#### ~~4.1 AIR QUALITY~~

##### ~~Findings~~

- ~~•——Within the Tigard Planning Area there are no major point source air polluters.~~
- ~~•——The major source of air pollution in Tigard is automobile emissions.~~
- ~~•——The City of Tigard lies within the Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA). This area is described in the draft State Implementation Plan (SIP) for air quality, published jointly by the Department of Environmental Quality and the Metropolitan Service District in April, 1979. The draft State Implementation Plan (SIP) shows that the entire AQMA is in nonattainment for meeting the recently revised federal ambient air quality standards for ozone and is predicted to remain in nonattainment to at least 1987 unless~~

~~additional control measures are undertaken. The final ozone control strategy for the Portland-Vancouver AQMA was adopted in July, 1982, and is predicted to bring the area into attainment with the standard by 1987.~~

- ~~• In the Portland-Vancouver AQMA, air pollution is monitored by and planning efforts coordinated through the Metropolitan Service District (MSD) and the Department of Environmental Quality (DEQ).~~
- ~~• The draft SIP also projects nonattainment in 1982 for CO (near Highway 99W). The final carbon monoxide control strategy of the Portland-Vancouver AQMA was adopted in July 1982. While the area in Tigard near Highway 99W is still a problem, modeling predicted that the area will be in attainment. (Rev. Ord. 84-24)~~

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## POLICY

### 4.1.1 THE CITY SHALL:

- ~~a. MAINTAIN AND IMPROVE THE QUALITY OF TIGARD'S AIR QUALITY AND COORDINATE WITH OTHER JURISDICTIONS AND AGENCIES TO REDUCE AIR POLLUTIONS WITHIN THE PORTLAND-VANCOUVER AIR QUALITY MAINTENANCE AREA (AQMA).~~
- ~~b. WHERE APPLICABLE, REQUIRE A STATEMENT FROM THE APPROPRIATE AGENCY, THAT ALL APPLICABLE STANDARDS CAN BE MET, PRIOR TO THE APPROVAL OF A LAND USE PROPOSAL.~~
- ~~c. APPLY THE MEASURES DESCRIBED IN THE DEQ HANDBOOK FOR "ENVIRONMENTAL QUALITY ELEMENTS OF OREGON LOCAL COMPREHENSIVE LAND USE PLANS" TO LAND USE DECISIONS HAVING THE POTENTIAL TO AFFECT AIR QUALITY.~~

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## IMPLEMENTATION STRATEGIES

- ~~1. The City shall coordinate with Metro and DEQ to attain and maintain the air quality goal described in the State Implementation Plan (SIP).~~
- ~~2. The City shall continue to utilize expertise available at the Department of Environmental Quality, Metro, and other relevant agencies, to coordinate efforts aimed at reducing air pollution emission levels in the Tigard and entire Portland Metropolitan Area.~~
- ~~3. Until such time as control strategies are realized, the City of Tigard shall use measures described in the DEQ Handbook for "Environmental Quality Elements of Oregon Local~~

~~Comprehensive Land Use Plans" when planning any development activities having the potential to directly (by direct emissions) or indirectly (by increasing vehicular travel) affect air quality.~~

- ~~4. The City shall make every effort to design municipal streets and roadways and to establish traffic flow patterns which minimize or reduce vehicular emissions.~~
- ~~5. The City shall consult and coordinate with the Oregon Department of Environmental Quality to ensure that land uses and activities in Tigard comply with Federal and State air quality standards.~~
- ~~6. The City shall aim to reduce the quantity of vehicle emissions by pursuing an energy efficient urban form which reduces the number of vehicle miles traveled, and by encouraging the use of alternate modes of transportation, especially mass transit and pedestrian.~~

~~(Rev. Ord. 02-15)~~

#### ~~4.2 WATER QUALITY~~

##### ~~Findings~~

- ~~▪ The quality of Tigard's surface waters are fair, inasmuch as the waters are not used for drinking purposes.~~
- ~~▪ No major point source water polluters threaten local creeks.~~
- ~~▪ Some infiltration problems exist in the sewage systems.~~
- ~~▪ Reduction of open space, removal of vegetation cover, and development which increases the amount of impervious surface all contribute significantly to increases in the peak flows of urban storm runoff entering storm sewers, creeks and drainageways.~~
- ~~▪ Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention/ detention of storm water, inclusion of landscape buffer areas adjacent to new development and conservation and improvement of streamside vegetation along creeks and other water courses.~~
- ~~▪ Clean Water Services (CWS) is the lead agency for water quality management within Washington County.~~
- ~~▪ By intergovernmental agreement, all the cities within the Clean Water Services' service area, Tigard included, must follow the standards contained in the CWS's Design and Construction Manual.~~

~~(Rev. Ord. 02-15)~~

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#### ~~POLICIES~~

~~4.2.1 ALL DEVELOPMENT WITHIN THE TIGARD URBAN PLANNING AREA SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND REGIONAL WATER QUALITY STANDARDS, INCLUDING THOSE CONTAINED IN THE CLEAN WATER SERVICES' DESIGN AND CONSTRUCTION MANUAL. (Rev. Ord. 02-15)~~

~~4.2.2 THE CITY SHALL RECOGNIZE AND ASSUME ITS RESPONSIBILITY FOR OPERATING, PLANNING, AND REGULATING WASTEWATER SYSTEMS AS DESIGNATED IN METRO'S WASTE TREATMENT MANAGEMENT COMPONENT. (Rev. Ord. 02-15)~~

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#### ~~IMPLEMENTATION STRATEGIES~~

- ~~1. In order to improve the water quality and quantity in the Tigard Area, the City shall consider developing regulations in the Tigard Community Development Code or instituting programs to:
  - ~~a. Increase public awareness of techniques and practices private individuals can employ to help correct water quality problems~~
  - ~~b. Improve the management of industrial and commercial operations to reduce negative water quality impacts;~~
  - ~~c. Regulate site planning for new development and construction through the Tigard Community Development Code to better control drainages and erosion and to manage storm runoff;~~
  - ~~d. Increase storage and retention of storm runoff to lower and delay peak storm flows;~~
  - ~~e. Reduce street related water quality and quantity problems; and~~
  - ~~f. Increase public awareness concerning the use and disposal of toxic substances.~~~~
- ~~2. The City shall not permit industrial or other uses which violate State of Oregon water quality discharge standards.~~
- ~~3. The City shall cooperate with the Metro and other appropriate agencies to establish practices which minimize the introduction of pollutants into ground and surface waters.~~
- ~~4. The City shall require that new developments obtain a Stormwater Connection permit from Clean Water Services and be connected to the City's or the Clean Water Services sanitary sewerage systems.~~

#### ~~4.3 NOISE POLLUTION~~

#### ~~Findings~~

Energy Conservation

Planning Commission Hearing



- ~~• Noise is a recognized cause of physical and psychological stress which has been directly related to various health problems.~~
- ~~• Motor vehicle traffic noise is the major contributor to the ambient noise level in Tigard.~~
- ~~• Noise levels for almost all residential districts in Tigard appear to be within acceptable levels.~~
- ~~• The highest noise levels appear to be found along Pacific Highway (99W), Main Street, I-5, Hwy. 217 and Hall Boulevard.~~
- ~~• Effective control of the undesirable effects of highway generated noise levels requires a three part approach: 1) source emission reduction; 2) improved highway design and street design; and 3) land-use controls. The first two components are currently being addressed by private industry and by federal, state and regional agencies. The third area is essentially a local government responsibility.~~

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## POLICY

### 4.3.1 THE CITY SHALL:

- ~~a. REQUIRE DEVELOPMENT PROPOSALS LOCATED IN A NOISE CONGESTED AREA OR A USE WHICH CREATES NOISE IN EXCESS OF THE APPLICABLE STANDARDS TO INCORPORATE THE FOLLOWING INTO THE SITE PLAN:~~
  - ~~1. BUILDING PLACEMENT ON THE SITE IN AN AREA WHERE THE NOISE LEVELS WILL HAVE A MINIMAL IMPACT; OR~~
  - ~~2. LANDSCAPING AND OTHER TECHNIQUES TO LESSEN NOISE IMPACTS TO LEVELS COMPATIBLE WITH THE SURROUNDING LAND USES.~~
- ~~b. COORDINATE WITH DEQ IN ITS NOISE REGULATION PROGRAM AND APPLY THE DEQ LAND USE COMPATIBILITY PROGRAM.~~
- ~~c. WHERE APPLICABLE REQUIRE A STATEMENT FROM THE APPROPRIATE AGENCY (PRIOR TO THE APPROVAL OF A LAND USE PROPOSAL) THAT ALL APPLICABLE STANDARDS CAN BE MET.~~

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## IMPLEMENTATION STRATEGIES

- ~~1. The Tigard Community Development Code shall ensure that future "noise sensitive" developments are designed and located so as to minimize the intrusion of noise from motor vehicle traffic and/or neighboring noisy uses.~~
- ~~2. The Tigard Community Development Code shall ensure that new commercial, industrial and~~

~~public developments are landscaped and designed such that Department of Environmental Quality (DEQ) noise standards are met and neighboring "noise sensitive" properties are not negatively impacted by the new land use or associated activities. This shall be accomplished through building setbacks, buffering standards and use compatibility.~~

- ~~3. The City shall seek a response and/or assistance from the Department of Environmental Quality (DEQ) when reviewing commercial or industrial uses in or near residential areas to prevent degradation of previously quiet environments.~~

#### 4.4 LAND RESOURCES

##### Findings

- ~~• Solid waste disposal is a regional concern requiring regional solutions.~~
- ~~• Land quality in Tigard is not currently threatened by a large scale waste disposal site.~~
- ~~• Normal human activity and economic processes in Tigard contribute to the quantity of regional waste disposal.~~
- ~~• The Metropolitan Service District (MSD) has the authority to provide solid and liquid waste disposal in the metropolitan area.~~
- ~~• Although MSD has the authority over solid waste site location, local governments will be involved in the selection process.~~

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#### POLICIES

- ~~4.4.1 THE CITY SHALL MAINTAIN AND IMPROVE, IF POSSIBLE, THE CURRENT QUALITY OF TIGARD'S LAND RESOURCES.~~
- ~~4.4.2 THE CITY SHALL RECOGNIZE MSD'S RESPONSIBILITY AND AUTHORITY TO PREPARE AND IMPLEMENT A SOLID WASTE MANAGEMENT PLAN.~~

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#### IMPLEMENTATION STRATEGIES

- ~~1. The City shall actively participate with the Metropolitan Service District (MSD) and the Department of Environmental Quality (DEQ), in the solid waste site selection process.~~
- ~~2. The City shall discourage solid waste sites which would adversely affect neighboring land uses or which are unsuitable because of natural conditions at the site, including but not limited to:~~
  - ~~a. Depth to water table;~~
  - ~~b. Soil conditions;~~

## Parks, Recreation, Trails, and Open Space

Access to parks, recreation, trails, and open space enhances the livability of a community and contributes to the well-being of its residents. These amenities provide a variety of opportunities for residents and visitors to enjoy both active and passive activities, while also helping to preserve open space, wildlife habitat, and natural resources. Parks may also serve as informal meeting places to draw people together and create a sense of place. These public lands and facilities are highly appreciated by Tigard's residents and the City is committed to their adequate provision. Statewide Planning Goal 8 requires Oregon jurisdictions to plan for recreational needs, and this becomes especially important as the City begins to approach full development.

### Goal 8: Recreational Needs

*"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of recreational facilities including destination resorts."*

The community envisions a future where a wide variety of recreational opportunities is available through a diverse system of parks, trails, and open spaces. This system would be distributed throughout the community and easily accessible from all neighborhoods. It includes not only developed parks, but open spaces to protect natural resources that the community holds in high regard. The citizens also realize that simply planning for and providing the opportunities is not enough, but funding must be secured to properly manage and maintain the system.

The Tigard park system currently includes 169 acres of City parkland and 182 acres of greenway and other preservation-oriented sites. These figures equate to 3.7 acres of developed area and 4.0 acres of natural area per thousand residents. Most of this park and greenway land is located within the floodplain. In addition to parks and open spaces, Tigard has developed a successful trail program, consisting of 9 miles of completed trails. These trails provide both recreation opportunities and transportation links throughout the community. A major source of parkland acquisition and development funds has come from the park System Development Charge (SDC) on new development, first imposed in 1977.

The City does not sponsor a recreation program and is not served by a special park and recreation district. The *Tigard Park System Master Plan* covers the city proper and the unincorporated Urban Services Area. Subsequent to the master plan's adoption in 1999, the Parks, Recreation, Trails, and Open Space

City added 19.3 acres of parkland and 24.1 acres of greenway. Because of population increases during the same period, the City's existing level of service to 2006 held steady at 7.7 acres of public parks and open space per thousand population.

### Key Findings

- The system of adding parks and related land and facilities in the City has kept up with growth in the seven years since the *Park System Master Plan's* adoption in 1999 (7.7 acres/1000 residents), but has not achieved the Plan's aspirational standard.
- Many areas of the City are park deficient.
- The land supply available for parks and open space is becoming smaller and more expensive.
- Given the level of development in Tigard, sufficient land for neighborhood parks is unavailable to meet the needs of underserved residential and non-residential areas.
- Many non-City-owned lands and facilities serve the park and leisure needs of Tigard residents.
- The City lacks a trail master plan to guide the development of the trail system and facilitate progress toward its completion.
- The City has regulations in place that effectively provide for block links and pedestrian connections in new neighborhoods. However, there are significant gaps in the off-street pedestrian system within older neighborhoods.
- Citizen groups have identified a trail route within Northeast Tigard that includes on and off street segments to connect with the City of Portland-adopted SW Communities trail network. Citizens have proposed that this route be considered for adoption into the Tigard trail plan.
- The trail officially identified by Tigard as the Powerline Trail is a segment of a larger inter-jurisdictional trail formally identified as the "Westside Trail" in the Metro Regional Trails Map.
- The City does not operate a recreation program and is not served by a special park and recreation district. Consequently, Tigard residents have limited opportunities to participate in recreation programs.
- Overall, City parklands are well maintained. Maintenance problems identified in the 1999 Tigard *Park System Master Plan* have been, or are being, addressed.
- The new Park SDC methodology sets a per-project percentage limit on the use of SDC funds. Some 63% of the cost of park improvements is assigned to non-SDC funding sources. At this time, the City does not have a stable source of revenue that can be used

as the companion funding source for capital projects.

- Many of the projects identified in the Parks SDC parks capacity program are located in the Bull Mt Urban Services Area and not within the City limits.
- Tigard does not have a parks foundation. Such foundations provide local governments with important additional programs to finance park and open space projects.
- The City has been proactive in working with the Tigard Water District for the use of reservoir properties for open space. Partnership plans with the school district for the renovation and joint use of school playgrounds to meet neighborhood park needs have not been developed.
- Volunteers annually contribute thousands of hours to Tigard's park system and are a non-monetary funding source for park maintenance and improvements.
- In recent years, the City has developed and employed innovative methods to create more active park acreage to serve community needs. This has included making use of a state infrastructure loan program to expand Cook Park and making certain types of industrially zoned properties available for park uses.
- The citizens of Tigard value pedestrian and bicycle paths in the community and support the development of a well connected network.
- The citizens of Tigard value access to neighborhood parks and open space within a half mile of their homes.
- The citizens of Tigard are concerned about the impact of growth on the community's natural resources.
- The citizen's of Tigard are concerned about the lack of a public recreation program and the lack of an adequate number of parks in the community.

## Goal

- 8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:
- A. Developed areas with facilities for active recreation; and
  - B. Undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

## Policies

1. Tigard shall acquire, develop, and maintain a diverse system of parks, trails, open space, and recreational facilities that are safe, functional, and accessible to all of its population.

2. The City shall acquire and, where appropriate, improve natural areas located within a mile of every Tigard resident to provide passive recreational opportunities.
3. The City shall seek to achieve or exceed the ideal park service level standard of 11.0 acres of parkland per thousand population.
4. The City shall develop neighborhood parks [or neighborhood park facilities within other parks, such as a linear park] located within a half mile of every resident to provide access to active and passive recreation opportunities for residents of all ages.
5. The City shall develop other parks, including linear parks, special use facilities, urban plazas, skate parks, and pet areas, consistent with the descriptions and standards contained in the park system master plan.
6. The City shall acquire and manage some open spaces to solely provide protection of natural resources and other open spaces to additionally provide nature-oriented outdoor recreation and trail-related activities.
7. The City shall ensure public safety is a major consideration in the planning, design, and management of parks, open spaces and trails.
8. The City shall enforce park rules, especially against loitering, harassment, and camping, and work to identify long term solutions to these three on-going park use problems.
9. The City shall integrate green concepts into park and open space design, maintenance, and operations.
10. In addition to standing committees, such as the Park and Recreation Advisory Board and the Tree Board, the City shall involve its residents and businesses as active participants and partners in all aspects of providing park and recreational services, including park system master planning and City comprehensive planning efforts.
11. The City shall ensure that the community at large is adequately informed of recreation opportunities and programs; issues affecting ~~the parks, open space and recreation system~~ park, open space, and recreation services; and volunteer opportunities.
12. The City shall, either directly or in coordination with other stakeholders and agencies, seek opportunities to acquire public open space.
13. ~~The City shall identify funding to build recreational facilities and provide a full service recreational program.~~ **Staff Commentary: Concerns have been raised that this policy is premature because the City must first assess the need, willingness, and ability of the community to pay for recreation services and related facilities. This is a fiscal issue that must be addressed prior to making policy.**

14. The City shall build and maintain partnerships with other governmental and private agencies and organizations to optimize funding and facility resources and improve park and recreational opportunities.
15. When considering acquisition of new parkland and open space, the City shall identify funding for required maintenance and public safety activities.
16. The City shall require all development to pay a parks system development charge or to dedicate land in lieu of a park system development charge.
17. The City shall ensure that any land dedicated to the City in lieu of a parks system development charge meets the needs, goals, and objectives identified in the Comprehensive Plan and Parks System Master Plan and has been evaluated according to the criteria listed in the per comprehensive plan policy (# 24) governing land donations. **Staff Commentary: Eliminates the duplicate reference to the Park System Master Plan contained in this proposed policy and in Policy 24.**
18. The City shall continue to encourage and recognize the important role of volunteers and community groups in meeting City park, trail, open space, and recreation needs and in building stewardship and promoting community pride.
19. The City shall maintain and manage its parks and open space resources in ways that preserve, protect, and restore Tigard's natural resources, including rare or state and federally listed species, and provide nature in the city opportunities.
20. The City shall provide funding for a high level of park, open space, and recreational facility maintenance.
21. The City shall work with all elements of the community to provide and manage a fully functional urban forest.
22. The City shall seek the assistance of volunteer groups and other community partners to help in maintaining parks, trails, and open space.
23. The City shall continue to improve access to neighborhood parks and other facilities according to the City's Americans with Disabilities Act plan.
24. Acceptance of any land donated for park purposes shall be based upon its usefulness and adaptability to the Park System Master Plan. The following shall be taken into consideration when making a decision regarding the acceptance of a proposed property donation:
  - A. The property's location within the City's proposed greenway system;
  - B. Its location bordering an existing park or greenway;
  - C. The degree to which the property meets the "site selection criteria" for the facility type corresponding to its intended use as listed in the Park System Master Plan;



- D. The occurrence within the property of unique or significant natural or cultural resources;
  - E. The condition of the property and the City's liability for any potential problems or maintenance needs associated with its condition;
  - F. If landlocked, or enclosed within non-city owned land, the right of entry or public passage through the non-city owned land; and
  - G. The existing owner's awareness and acknowledgement that the control over public access passes to the City and its officers with the donation.
25. City-owned property may be used for private wetlands mitigation. The City will consider proposals for such mitigation on a case by case basis, subject to the following [a-d are contained in Resolution 96-42]:
- A. It can be demonstrated that there is benefit to the City and the general public;
  - B. The mitigation must provide a documented physical enhancement of existing wetland;
  - C. The City should be compensated for the use of the area either through rent, lump sum payment, benefit to the City, or as agreed to by the City Council;
  - D. The wetland mitigation should demonstrate no additional cost to the City for maintenance or other factors, unless acceptable to the City Council ~~[Res-96-42]~~; and
  - E. Should the City consent to the private use of City-owned property, the applicant shall obtain a City Sensitive land permit and all other necessary permits and approvals for the proposed work. The required joint state/federal wetlands application shall explicitly state that the City is not a party to the permit and enforcement of the permit will be directed solely against the developer.
26. Public notice (in the form of on-site signage, a City webpage posting, and mailings to every party requesting such notice) shall be provided in the case of any proposed City sponsored wetland mitigation on City owned property where no sensitive lands permit is required.

#### Recommended Action Measures

- i. Regularly update the Parks System Master Plan (every 5 to 10 years) to ensure it continues to address the changing needs of the City. Update sections of the document more frequently with an amendment or other

- process to reflect the results of major policy or planning initiatives.
- ii. Develop master plans for each park that: identify the locations and types of development that will occur in the park, preserve natural areas, and ensure development that promotes safe and aesthetically pleasing environments.
  - iii. Consider and respond to Tigard's social and demographic characteristics, including its cultural diversity, when planning for and investing in park improvements.
  - iv. Consider the development of a partnership plan with the school district for the renovation and joint use of school grounds in park deficient areas to meet neighborhood park needs.
  - v. Coordinate with and support Metro, Oregon State Parks, the National Park Service and other agencies and that provide parks, open spaces, and recreational activities in or near Tigard.
  - vi. Promote a safe environment in the City's parks and open spaces through on-going contact and coordination with public safety officials.
  - vii. Consider the development of a marketing and communication plan to inform the public about the value of parks and the recreational services they provide.
  - viii. Develop and distribute maps and brochures to educate users about the park and open space system and promote appropriate use.
  - ix. Revise and update the Park System Development Charge (SDC) Methodology to reflect current land and development costs and to consider:
    - A. The development of a dependable, long term funding source or sources that can be used to provide the 63% in overall project costs assigned to non-SDC funding sources in the SDC study's capital improvement program; **Staff Commentary: The deleted percentage could vary over the years as the City invests in parks.**
    - B. Adjustments to the extraterritorial (Urban Growth Area) improvement projects identified in the SDC capital improvement program; and
    - C. Adjustments to the SDC fee structure that reflects realistic non-SDC revenue expectations.
  - ~~x. Consider seeking voter approval, as early as November 2008 and no later than November 2010, to issue general obligation bonds for needed park and open space acquisitions and improvements.~~ **Staff Commentary: The issue of placing a general obligation bond or other funding measure on the ballot should be determined by Council through a public process before a policy direction is established.**

- xi. When feasible, utilize alternative methods to acquire and develop open space, parks, and trails, including local improvement districts, purchase of easements and development rights, life estates, etc.
- xii. Work to increase grants and donations from new sources for operating and capital funding.
- xiii. Consider the establishment of a parks foundation to assist with fund raising, and acquisition, and special projects.
- xiv. Explore additional ways to acknowledge and recognize sponsors and donors.
- xv. Continue to use park reservation fee schedules that provide cost recovery balanced against needed services. Provide services to City residents at lower costs than to non-residents.
- xvi. Continue efforts to involve the public in the allocation of and request for funds.
- xvii. Identify funding for required maintenance and management activities when considering acquisition of new parkland and open space. *[moved here]*
- xviii. Where applicable, take into consideration the costs of public safety services when considering acquisition of new parkland and open space. *[moved here]*
- ~~xix. Consider seeking voter approval, as early as November 2008, for a local tax levy to build recreational facilities; consisting of recreations centers, aquatic facilities, sports fields, tennis and basketball courts, etc.; and to finance a full-scale recreation program.~~ *[moved here]* **Staff Commentary:** The issue of placing a local tax levy or other funding measure on the ballot should be determined by Council through a public process before a policy direction is established.
- ~~xx. In the absence of a local tax level or other special funding mechanism to finance a full-scale recreation program, provide funding for a minimal level of recreation program opportunities.~~ **Staff Commentary:** The same comments as stated elsewhere regarding recreation program funding apply to this proposed action measure.
- ~~xxi. Support the provision of recreation programs through the Senior Center and through the Library, Police and other City departments.~~ **Staff Commentary:** The same comments as stated elsewhere regarding recreation program funding apply to this proposed action measure.
- ~~xxii. Within or outside the established Social Services and Community Events application and funding process, provide annual donations to Tigard-based youth sports leagues to support to their activities.~~ **Staff Commentary:** This

proposed action measure commits the City to the financial support of particular private non-profit recreation groups. A decision to support such groups should be part of the overall formulation of a policy regarding the establishment of a recreation program or the annual budget process. Alternative language is proposed below.

- ~~xxiii.~~ Financially assist, when able, youth sports leagues and other non-profit recreation providers
- xxiv. When feasible and appropriate, make parks, trails, and open spaces universally accessible by as many people as possible.
- xxv. Provide public access to public open space in ways that protect and preserve sensitive natural resources.
- xxvi. Continue to seek the assistance of volunteer groups to help in developing and maintaining parks, trails, and open spaces.
- xxvii. Create volunteer opportunities and support those who want to participate in making ideas, projects, and events happen in their neighborhood parks.
- xxviii. Develop and apply administrative policies and procedures for use of volunteer resources.
- xxix. Continue to develop and implement specific management plans and maintenance programs for the high level maintenance of all of the City's park and open space lands.
- xxx. Seek opportunities to introduce more environmentally-friendly, science-based practices, including measures to increase re-use and recycling programs, on-site filtration, integrated pest management, and other Best Management Practices best management practices.
- xxxi. Develop and implement an urban forestry program to improve the condition of Tigard's urban forest through effective management decisions.
- xxxii. ~~When feasible and appropriate~~, include natural resources studies and monitoring in the City's management of public open spaces and related natural resources.
- xxxiii. Remove and control non-native plants, including noxious weeds, in natural areas, ~~where feasible and appropriate~~.
- ~~xxxiv. Identify funding for required maintenance and management activities when considering acquisition of new parkland and open space. [moved to above]~~
- ~~xxxv. Where applicable, take into consideration the costs of public safety services when considering acquisition of new parkland and open space. [moved to above]~~
- xxxvi. Inform the public about maintenance and management requirements for the

- . City's various types of parks, recreation facilities, trails, and open spaces, as for example by posting maintenance plans on the City webpage.

#### Goal

- 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.

#### Policies

1. The City shall create an interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban activity centers, and regional recreational opportunities.
2. The City shall design and build greenway trails and paths to minimize their impact on the environment, including on rare and state and federally listed species.

#### Recommended Action Measures

- i. Complete a trail system master plan to guide the development of the trail system and facilitate progress toward its completion.
- ii. Complete a Citywide inventory and prioritization of opportunities for short pathway connections that increase bicycle and pedestrian connectivity and complement the greenway and on-street bicycle/pedestrian systems.
- iii. Develop trail standards for the many trail systems, sizes, and materials needed in different settings.
- iv. Add to the park system master plan map:
  - a. The Tigard portions of two "regionally significant" trails (the Westside Trail (formerly, the Powerline Trail) and the Washington Square Loop Trail); and
  - b. The on- and off-street route identified by the citizen groups that connects the Washington Square Loop Trail with the Portland Urban Trail Number 5, which ends at SW Dickinson and SW 65<sup>th</sup>.
- v. Coordinate trail development and maintenance activities with natural resource management objectives and activities.
- vi. ~~As needed~~ Where appropriate, furnish trails with amenities, such as interpretive and directional signage, benches, drinking fountains, parking and staging areas, and other services.
- vii. ~~If adequate resources are available~~, Use automated systems to systematically map and document trail easements, right-of-way dedications, proposed alignments, and current trail locations.

## Goal

- 8.3 Develop full-service recreational facilities and establish a comprehensive recreation program, providing a wide range of recreational, cultural, and educational activities.

## Policies

1. ~~The City shall establish a recreation program served by high quality community facilities (that may include recreation centers, aquatic facilities, sports fields, tennis and basketball courts, etc.) in various locations throughout the City.~~ **Staff Commentary: The issue of establishing a recreation program and its scale and financing should be determined by Council through a public process before a policy direction is established. The goal is to provide one. When and how is a Council/community decision. Revised language is provided below.**
2. The City shall work with the community to assess the need for a recreation program and identify potential funding for its establishment and operation.

## Recommended Action Measures

- i. ~~Consider seeking voter approval, as early as November 2008, for a local tax levy to build recreational facilities; consisting of recreations centers; aquatic facilities, sports fields, tennis and basketball courts, etc.; and finance a full-scale recreation program. [moved to above]]~~
- ii. Develop an information program to raise the public's awareness of the importance of recreational facilities and programs to public well-being and community livability.

### 3.5 PARKS, RECREATION AND OPEN SPACE

#### Findings

- In Tigard, public and private organizations can play an important role in providing leisure and recreational opportunities and cultural activities.
- Many of the Tigard School District sites provide recreational needs not found within many of Tigard's parks.
- Small parcels of unbuildable land resulting from urbanization can provide mini-parks or landscaped areas.
- A properly planned and managed system of open space and recreation lands can reduce the impact of urbanization and serve the leisure and aesthetic needs of all residents. The system needs to recognize the relationship between urban uses and the natural character of the land and drainageways.
- The community has indicated a desire for open space linkages which follow scenic routes and connect parks, schools, playgrounds, shopping areas, other public sites and residential areas.
- The City needs to develop an adequate system of open space, recreation lands and facilities to retain and improve livability of the community.
- In the process of planning for a park and recreation system, it is necessary to classify the individual components such as neighborhood parks and the greenway which will or could comprise the park system. In addition, the establishment of a reasonable acquisition and development program requires a listing of priorities and minimum levels of service to be provided. The actual development of such a system requires relating the provision of facilities and services to the particular needs and recreation desires of the residents to be served.

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#### POLICIES

- 3.5.1 THE CITY SHALL ENCOURAGE PRIVATE ENTERPRISE AND INTERGOVERNMENTAL AGREEMENTS WHICH WILL PROVIDE FOR OPEN SPACE, RECREATION LANDS, FACILITIES, AND PRESERVE NATURAL, SCENIC AND HISTORIC AREAS IN A MANNER CONSISTENT WITH THE AVAILABILITY OF RESOURCES.
- 3.5.2 THE CITY SHALL COORDINATE WITH THE SCHOOL DISTRICTS TO DEVELOP RECREATIONAL FACILITIES.



3.5.3 ~~THE CITY HAS DESIGNATED THE 100-YEAR FLOODPLAIN OF FANNO CREEK, ITS TRIBUTARIES, AND THE TUALATIN RIVER AS GREENWAY, WHICH WILL BE THE BACKBONE OF THE OPEN SPACE SYSTEM. WHERE LANDFILL AND/OR DEVELOPMENT ARE ALLOWED WITHIN OR ADJACENT TO THE 100-YEAR FLOODPLAIN, THE CITY SHALL REQUIRE THE CONSIDERATION OF DEDICATION OF SUFFICIENT OPEN LAND AREA FOR GREENWAY ADJOINING AND WITHIN THE FLOODPLAIN.~~

3.5.4 ~~THE CITY SHALL PROVIDE AN INTERCONNECTED PEDESTRIAN/BIKEPATH THROUGHOUT THE CITY.~~

(Rev. Ord. 98-19; Ord. 87-66; Ord. 84-36)

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#### IMPLEMENTATION STRATEGIES

1. ~~The Tigard Community Development Code shall require land divisions and major developments to set aside, dedicate land, or pay a fee in lieu of land aside based on standards, and the standards shall provide for:~~

- ~~a. An area composed of developable lands which may provide active recreation space; and~~
- ~~b. Adequate passive open space to protect natural resources at the site and protect development from hazard areas.~~

2. ~~The City shall permit land which is set aside within developments to remain in private ownership provided:~~

- ~~a. Portions are sufficiently improved and maintained to offer active recreation opportunities;~~
- ~~b. They do not interfere with the continuity of or access to adjacent greenway lands; and~~
- ~~c. Easements transferring development rights are dedicated to the public.~~

3. ~~The Tigard Community Development Code shall indicate flexible design options which mitigate the impacts of required open space and recreation land dedication or reservation.~~

4. ~~The City shall designate natural park areas within a Tigard Master Parks Plan. The areas will have unique physical or aesthetic features and do not have to be developed to be of recreational use to the community. Areas which have special physical features such as natural watercourses, significant vegetation, scenic vistas, and that provide~~

~~habitat for wildlife, will be considered.~~

- ~~5. Open space and greenways shall be used to enhance the accessibility to schools and parks by establishing a safe and well-marked trail system which will also connect with significant regional trail systems.~~
- ~~6. Park classifications and standards shall be adopted and a program developed for acquisition and development of a park and open space system to ensure an adequate supply of usable open space and recreational facilities, directly related to the specific needs of the local residents.~~
- ~~7. Streets and drainageways shall be combined with a parkway or greenway concept to permit linkages between open spaces, residential areas, recreation lands and centers of economic activity.~~
- ~~8. The City shall continue to seek assistance of volunteer groups to assist in developing and maintaining parks.~~
- ~~9. Master plans for each park shall be developed. These plans shall identify facilities for each park and ensure development which promotes safe and aesthetically pleasing environments while minimizing the harmful effects of noise, air pollution, vehicular traffic and other negative aspects of urban life.~~
- ~~10. The City shall continue to implement the adopted bike plan by requiring development adjacent to the Greenway to construct their portion of the bikepath system.~~
- ~~11. To augment the scenic benefit of the greenway, the City shall establish the major vehicular transportation routes as scenic or visual corridors. The Park Board should plan and initiate a program (through public and private cooperation) for corridor landscape preservation and/or improvement. (Ord. 87-66)~~

### 3.6 PARK STANDARDS

#### Findings

- ~~• Currently, there are 128.90 acres of City park land in Tigard, 113.98 acres of dedicated greenway, and 1.71 miles of greenway trails.~~
- ~~• There are adopted plans for eight of the nine City parks.~~
- ~~• Although Scheckla Park has not been accepted by the Park Board, the land was dedicated to the City for park purposes.~~
- ~~• Due to recent cut backs in revenues to the City, the City has substantially limited its park maintenance program.~~
- ~~• The City's Park System Development Charge is acquired through new development~~

Parks, Recreation, Trails, and Open Space

~~and is used solely for park acquisition, development or major capital acquisition. Park maintenance is paid for through the City's general fund.~~

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## ~~POLICIES~~

~~3.6.1 INDIVIDUAL PARK SITES, AS DEFINED BY THE PARKS AND OPEN SPACE STANDARDS AND CLASSIFICATION SYSTEM SHALL BE DEVELOPED ACCORDING TO THE FOLLOWING PRIORITIES:~~

- ~~a. FACILITIES WITHIN A PARK WILL BE ADJUSTED TO MEET THE NEEDS AND DESIRES OF THE PARK SYSTEM DEVELOPMENT CHARGE (SDC) DISTRICT RESIDENTS AND THE CHARACTERISTICS OF THE SITE. PARK AND/OR RECREATIONAL FACILITIES IN GREATEST DEMAND AND LEAST SUPPLY SHOULD RECEIVE THE HIGHEST DEVELOPMENT PRIORITIES.~~
- ~~b. PARKS SHOULD BE PLANNED TO ENSURE MAXIMUM BENEFIT TO THE GREATEST NUMBER OF LOCAL RESIDENTS. FOR THIS REASON, ACQUISITION AND DEVELOPMENT OF COMMUNITY LEVEL PARKS SHOULD BE GIVEN THE HIGHEST PRIORITY.~~
- ~~c. DEVELOPMENT OF ADDITIONAL NEIGHBORHOOD PARKS WILL HAVE A LOWER PRIORITY FOR PUBLIC FUNDING AND ARE ENCOURAGED TO BE PROVIDED BY THE PRIVATE SECTOR WITHIN PLANNED UNIT DEVELOPMENTS AND MAINTAINED BY HOMEOWNERS ASSOCIATIONS.~~
- ~~d. NEW MINI PARKS HAVE THE LOWEST DEVELOPMENT PRIORITY AND SHOULD BE SUPPLIED AT THE DEVELOPER'S OR NEIGHBORHOOD'S EXPENSE AND MAINTAINED BY A NEIGHBORHOOD ASSOCIATION CREATED AS PART OF THE DEVELOPMENT PROCESS.~~
- ~~e. PROVISION OF REGIONAL PARK FACILITIES WILL ONLY BE CONSIDERED AS AN INTERJURISDICTIONAL PROJECT, AND SHOULD HAVE A LOW PRIORITY UNLESS UNUSUAL CIRCUMSTANCES ARISE.~~
- ~~f. ACCEPTANCE OF ANY LAND DEDICATED FOR PARK~~

~~PURPOSES SHALL BE BASED UPON ITS USEFULNESS AND ADAPTABILITY TO THE ADOPTED PARK AND OPEN SPACE SYSTEM.~~

~~3.6.2 THE CITY SHALL COORDINATE WITH OTHER PUBLIC, PRIVATE ORGANIZATIONS AND AFFECTED PRIVATE PROPERTY OWNERS IN ORDER TO FACILITATE THE IMPLEMENTATION OF THE CITY'S ADOPTED PARK PLANS.~~

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#### IMPLEMENTATION STRATEGIES

- ~~1. The City shall continue to seek revenue sources to facilitate in the implementation of the adopted park plans. The adopted park plans are: Fanno Creek Park, Cook Park, Woodard Park, Jack Park, Summerlake Park, Englewood Park, Liberty Park and Ye Old Windmill Park.~~
- ~~2. The City shall develop a "future park needs assessment" to determine the number of acres needed for future park uses. The current park standards shall be used as a basis for this assessment. The future park needs assessment will specifically address community park needs.~~
- ~~3. As a precondition to development, the City's Community Development Code shall require the dedication of the greenway and park land, if not already dedicated.~~
- ~~4. The City shall continue to implement the adopted pedestrian/bikepath pathway plans.~~

## Energy Conservation

Our way of life is powered by energy. From the construction process to home heating to getting around the community, affordable and reliable energy sources are counted upon to sustain our needs. Energy also drives the economy and has a significant impact on the environment. These roles are important to consider when planning for future sources, distribution, conservation efforts, land use, transportation, and development patterns. The City's commitment to manage land use to conserve energy is based on Oregon Statewide Planning Goal 13.

### Goal 13: Energy Conservation

*"Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles."*

Tigard residents envision a future where access to reliable energy supplies and their use do not degrade the environmental quality of the community. They recognize the importance of renewable energy resources for the economy, the value in conservation efforts, and the significance of land use and transportation planning on energy consumption. Public transportation and a well-connected bicycle and pedestrian network are services greatly supported by the community. The community also recognizes that the City can employ new techniques and technologies in municipal operations, as well as encouraging citizens to take a personal interest in energy consumption and conservation.

The City of Tigard currently has no energy resources and no future plans to develop any generation or supply facilities. The Oregon Department of Energy (DOE) has taken the statewide lead by planning to ensure an adequate, affordable, and clean energy supply is available for Oregonians. The DOE produces the *Oregon Energy Plan* on a biennial basis. It assesses energy demand and supply in the state, identifies issues affecting energy, and presents an action plan to meet the goals of the plan.

Energy conditions and future issues identified by the 2005-2007 *Oregon Energy Plan* include:

- Unstable energy pricing and supply will continue to affect communities as it did in 2002 when Oregonians spent 50% more per unit of energy to heat their homes than in 1998.
- World oil production may peak in the next decade and begin a long-term decline. Coupled with a growth in worldwide demand, peak oil will maintain or increase already high oil prices.
- Natural gas supplies from North America are declining, while prices have doubled in the past five years. Worldwide competition for the gas is also expected to increase.

To address these issues, the *Oregon Energy Plan* recommends conservation efforts for households, businesses, industry, and transportation, as well as developing clean and renewable energy resources. These efforts can provide insulation from, and reduce the community's vulnerability to, volatile pricing and supplies. They are also consistent with statewide planning Goal 13 for maximizing the conservation of all forms of energy. Building efficiency standards, the Leadership in Energy and Environmental Design (LEED) rating system, and weatherization programs are options for promoting energy conservation in buildings. Metro's *Regional Transportation Plan* (RTP) is required to address energy

conservation, efficiency, and alternative transportation options under state and federal law. Options include driving less, buying fuel-efficient vehicles, or using alternative fuels.

Tigard has the ability to affect energy conservation efforts through developing efficient land use and transportation plans that reduce automobile trips. This includes promoting compact mixed use communities, and transit use and development. The City can lead by example in utilizing alternative energies and becoming more energy efficient in municipal operations. Tigard can also challenge residents to reach energy conservation goals set by the community.

### Key Findings

- Transportation is the largest use of energy in the state at 38%. A considerable reduction in energy use can be made with individuals altering their habits related to the use of motor vehicles.
- The City has no energy generation or supply facilities and therefore the community's energy supply and pricing is controlled by forces beyond its direct influence.
- A number of alternative fuel options exist for motor vehicles, but supplies and availability are limited.
- Large energy uses which the City has control over include street lighting, water transfer pumps, heating and cooling of municipal buildings, and the motor vehicle pool.
- Solar-generated power and wood heating are the two most common options available to the community for producing their own energy. Wood heating can be problematic to air quality due to the release of fine particulate matter.
- Weatherization, energy efficient building materials and appliances, and alternative energy sources can all reduce energy consumption in buildings.
- The citizens of Tigard value pedestrian and bicycle paths in the community and support the development of a well connected network.
- The citizens of Tigard value access to bus service in the community.
- The following land use planning strategies can result in a more energy-efficient community:
  - Establishing mixed-use zones to encourage working, living, and shopping in the same neighborhood
  - Providing opportunities for increased density along public transit lines
  - Developing a public transit system that is reliable, connected, and efficient
  - Building a bicycle and pedestrian network that is connected, safe, and accessible
  - Connecting streets for efficiency and reducing congestion
  - Re-use of vacant and underutilized land.

### Goal

#### 13.1 Reduce energy consumption.

### Policies

1. The City shall promote the reduction of energy consumption associated with vehicle miles traveled through:
  - A. Land use patterns that reduce dependency on the automobile;
  - B. Public transit that is reliable, connected, and efficient; and

- C. Bicycle and pedestrian infrastructure that is safe and well connected.
- 2. The City shall implement regional and state regulations, plans, and programs that promote energy conservation.
- 3. The City shall require future development to consider topography, vegetation, and solar access during the design phase to reduce demands for artificial heating, cooling, and lighting.
- 4. The City shall implement and enforce state energy efficiency standards during the building permit review process.
- 5. The City shall take a leadership role in local energy matters by:
  - A. Designing and developing public facilities, wherever possible, that take advantage of alternative energy sources and conserve energy in operations;
  - B. Conducting energy audits on existing City facilities and implementing cost-effective recommendations as soon as possible;
  - C. Investigating and participating in, when feasible, green energy programs, which use renewable energy resources; and
  - D. Continuing to investigate new technologies that can reduce municipal energy consumption.
- 6. The City shall support energy conservation by:
  - A. Encouraging designs that incorporate Leadership in Energy and Environmental Design (LEED) standards or achieve a minimum certification;
  - B. Educating the public about personal actions that can be taken to improve energy efficiency and reduce energy consumption;
  - C. Directing the private sector to the variety of available incentives programs; and
  - D. Providing flexibility in the land use process to take advantage of solar radiation.

#### Recommended Action Measures

- i. Create a process that requires new development to consider topography, vegetation, and solar access during the design phase.
- ii. Develop target decreases for energy consumption associated with municipal operations.
- iii. Purchase a percentage of Green Energy for municipal operations and then challenge the community to do the same.
- iv. Research **and implement** incentives and development codes that would encourage energy efficiency in new developments.
- v. **Survey the community about energy consumption and identify top concerns that could be addressed through conservation incentives.**



9. ENERGY  
Statewide Planning Goal #13,

—Energy Conservation, requires localities to manage and control land uses and development "so as to maximize the conservation of all forms of energy, based on sound economic principles." The following policies accomplish the objectives of the goal but they are not written at the level of detail necessary to provide the community with a comprehensive energy program. However, the potential need for such a program is becoming increasingly evident as the cost of energy supplies increases and the availability of non-renewable energy sources decreases. The increasing cost of energy combined with the fact that most localities are importers of energy could potentially have a negative impact on local economies. The impact[s] could range from work stoppage[s] or slowdown[s] to reduced disposable income[s] and a disruption of monies within the local economy.

The energy findings, policies and implementation strategies identify conservation as the initial energy source that the community should explore. They do so based on the fact that conservation is the cheapest energy source, most readily available, least environmentally detrimental and most influenced by local policy.

Additional information on this topic is available in the "Comprehensive Plan Report: Energy."

Findings

- Transportation and residential uses account for approximately half of the total energy consumption in the Portland Metropolitan Area. Industrial and commercial uses comprise the other half of energy consumption.
- The City of Tigard has no developed energy sources.
- Conservation of energy at the local level is best achieved through programs aimed at energy efficient transportation modes and land use patterns, reducing travel distances between residential and work areas, infilling vacant land, increasing densities of land uses as a whole and encouraging alternative energy uses.
- All forms of non-renewable energy sources used today are finite and the cost of these sources has increased as the supply has decreased.
- A reduction in the community wide use of nonrenewable energy sources and the development of renewable energy resources would have a beneficial impact on both local and national economy.
- Mass transit systems can have a positive influence upon energy consumption but require higher density corridors and activity areas to be effective.
- The availability of cheap energy in the past has resulted in the construction of residential and commercial buildings that are energy inefficient. Weatherization and insulation of existing and new structures would substantially reduce energy consumption for heating and cooling these structures.
- Although it is a widely used substitute for traditional energy sources, woodburning stoves can have adverse effects on air quality if improperly used.

- ~~Alternative architecture and site design considerations can affect energy consumption; such as structure orientation to the sun, landscaping, topography and adjacent structures.~~
- ~~Small scale wind generating devices may be a viable alternative energy source for Tigard residences.~~
- ~~The private automobile consumes about 75% of all petroleum used in transportation in the Portland Area.~~

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## POLICIES

- 9.1.1 ~~THE CITY SHALL ENCOURAGE A REDUCTION IN ENERGY CONSUMPTION BY INCREASED OPPORTUNITIES FOR ENERGY CONSERVATION AND THE PRODUCTION OF ENERGY FROM ALTERNATIVE SOURCES.~~
- 9.1.2 ~~THE CITY SHALL ESTABLISH A BALANCED AND EFFICIENT TRANSPORTATION SYSTEM WHICH COMPLEMENTS THE LAND USE PLAN AND IS DESIGNED TO MINIMIZE ENERGY IMPACTS.~~
- 9.1.3 ~~THE CITY SHALL ENCOURAGE LAND USE DEVELOPMENT WHICH EMPHASIZES SOUND ENERGY CONSERVATION, DESIGN AND CONSTRUCTION.~~

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## IMPLEMENTATION STRATEGIES

1. ~~The City shall encourage public and private programs that offer weatherization and energy conservation programs, e.g., tax credits, low interest weatherization loans, etc.~~
2. ~~The Tigard Community Development Code shall allow for a variety of housing unit types in most residential development districts which have proven to be energy efficient, e.g., common wall or clustering of dwelling units.~~
3. ~~The City shall locate higher densities and intensities of land use in proximity to existing and potential transit routes specifically with convenient access to federal and state highways, arterials and major collector streets.~~
4. ~~The City shall, in the Tigard Community Development Code, allow for more flexibility in structure siting to provide for maximum solar exposure.~~
5. ~~The City shall review the feasibility of implementing a solar access ordinance and wind generation provisions.~~
6. ~~The City shall cooperate with both public and private agencies that make use of site development and architectural techniques using natural elements for heating and cooling in all developments.~~
7. ~~The Tigard Community Development Code shall allow for mixed use developments which will support a reduction in traffic trip generation.~~
8. ~~The City shall coordinate with and support public and private planning efforts that advocate alternative forms of transportation such as mass transit, carpooling, ride share, bicycling and walking for commuter purposes.~~
9. ~~Locational criteria shall be established to minimize vehicular travel in order to conserve energy.~~

- ~~c. Impacts upon drainage;~~
- ~~d. Water quality degradation or similar problems.~~
- 3. ~~The City shall ensure that future land use activities with significant waste and process discharges conform to all State and Federal environmental quality standards.~~
- 4. ~~The City shall seek a response or assistance from the Department of Environmental Quality or any other interested State or Federal agency when reviewing proposed land uses with potential for significant waste and process discharges.~~
- 5. ~~The City shall continue to use local recycling services and shall encourage and cooperate with all recycling agencies which conform to all state and federal environmental quality standards.~~
- 6. ~~The City shall recognize MSD's role in preparing and implementing a solid waste management plan. The City shall support MSD's "Procedures for Siting Sanitary Landfill," and will participate in these procedures as appropriate.~~

Agenda Item No. \_\_\_\_\_  
Meeting of 9-25-07

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Presentation by Metro Councilor Hosticka on Metro Issues and Projects

Prepared By: Ron Bunch Dept Head Approval: TC/jul City Mgr Approval: EAM/GRCP

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**ISSUE BEFORE THE COUNCIL**

The matter before Council is to receive a report from Metro Councilor Hosticka on current Metro issues and projects. If desired, Council may ask questions or discuss the topics.

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**STAFF RECOMMENDATION**

Receive Councilor Hosticka's report.

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**KEY FACTS AND INFORMATION SUMMARY**

Metro Councilor Carl Hosticka will attend Council's September 11, 2007 meeting and give a brief presentation of 15 to 20 minutes on the following topics:

1. Metro's New Look Project and Next Steps
  - a. Investing in communities, public infrastructure, and Metro's desire to assist cities to develop their centers;
  - b. Urban and rural reserve areas;
2. Criteria-Based Approach to Growth Management;
3. Regional Transportation Plan;
4. Highlights and Successes of 2007 Regional Legislative Agenda  
There will be an opportunity for City Council to ask questions and discuss these matters with Mr. Hosticka.

Each of the above issues has potential impacts for Tigard. For example, the future designation of Urban and Rural Reserves will identify areas that will, in the long term, be urbanized or remain rural resource lands. Washington County will be involved in actively planning for these areas. Some Washington County cities are uneasy about the apparent expansion of the County's role in the urbanization process. One concern is the designation of future centers in urban reserve areas. This could result in resources being diverted from the redevelopment of existing town and regional centers.

The appended issue paper provides additional detail about the above topics and possible issues that Council may wish to raise.

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**OTHER ALTERNATIVES CONSIDERED**

N/A

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**CITY COUNCIL GOALS**

Increase Tigard's involvement with Washington County, Metro, state, ODOT, TriMet, and the Federal government.

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**ATTACHMENT LIST**

Issue Paper - Current Metro Issues and Projects.

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**FISCAL NOTES**

N/A

Issue Paper: Metro Councilor Carl Hosticka's Presentation of Metro Issues and Projects  
 Council Meeting Date: September 11, 2007  
 Prepared by: Ron Bunch, Assistant Community Development Director  
 Date: August 29, 2007

## INTRODUCTION

Metro Councilor Carl Hosticka will present several topics at Council's September 11, 2007, meeting. They are:

1. Metro's New Look Project and Next Steps
  - a. Investing in communities, public infrastructure, and Metro's desire to assist cities to develop their centers;
  - b. Urban and rural reserve areas;
2. Criteria-Based Approach to Growth Management;
3. Regional Transportation Plan;
4. Highlights and Successes of 2007 Regional Legislative Agenda

The following presents a brief description of each topic and possible implications for the City of Tigard. Along with each description staff raises issues/questions that Council may wish to consider when discussing the topics with Councilor Hosticka.

## BACKGROUND/DISCUSSION

### **Investing in Communities and Public Infrastructure**

This topic addresses how the region's jurisdictions can steer growth into existing commercial areas and promote vibrant mixed-use centers that use land most efficiently and provide more housing, transportation and economic development options for residents and businesses.

The region faces challenges providing for needed transportation improvements and public facilities and services to accommodate projected population and employment growth. Also, fiscal and environmental considerations require the development of communities that can be served by modes of transportation other than the single occupant automobile. Ideally, neighborhoods, employment areas, shopping districts, and other activity centers can be developed (redeveloped) into walkable, pedestrian and transit oriented environments.

Issues for Tigard: As Tigard and other cities have discovered, redevelopment of existing Town and Regional Centers and Transportation Corridors has a significantly higher initial cost than traditional suburban development on vacant lands. Under current market circumstances public subsidy is often required to make redevelopment feasible.

Metro has a role to foster collaboration between the public and private sectors to make redevelopment such as that envisioned in Tigard's downtown, possible. Creative solutions



are needed to help cities work with developers, lenders and property owners to provide critical infrastructure, reduce risk and offset added costs associated with redevelopment.

Highway 99W is an example of the region's 400 miles of transportation corridors which have the potential for redevelopment to meet future housing and employment needs. As with Centers, new tools, including public investment, will be needed to remake Highway 99W into an attractive and economically vibrant residential and commercial corridor.

It is important to stress that existing residential neighborhoods should not be targeted for new development as the region's population grows. However, some neighborhoods will experience pressure for market-driven infill based on existing zoning. Also many of single-family residential neighborhoods are adjacent to corridors and centers which will accommodate high density housing and more intense land uses. It is important that Metro and its jurisdictions realize that poorly designed infill and more intense land uses can damage neighborhoods and undermine the support for efficient/compact development. Therefore it is important that communities utilize design standards and protect trees/natural resources to ensure infill development is compatible with the character of established neighborhoods

### **The Shape of the Region**

The "Shape of the Region" addresses how the region manages expansion of the Urban Growth Boundary in a way that protects valuable resource land but also allows for responsible growth in outlying areas.

Current state law requires that Metro expand the Urban Growth Boundary every five years to accommodate 20 year projected household and employment growth. Over the past ten - 15 years, this effort has required a disproportionate amount of Metro's resources. The Urban Growth Boundary has been expanded three times but very little new urban development has resulted due to the lack of resources to provide public facilities and transportation services and lawsuits. Furthermore, the Urban Growth Boundary does not necessarily mean that well designed, "complete communities" will result from development, or that important resources will be protected.

Metro, in order to address these concerns, worked with its regional partners and the 2007 Oregon Legislature to pass Senate Bill 1011 and House Bill 2051. These bills will affect the way that Metro plans for expansion of the Urban Growth Boundary. They focus on establishing urban and rural reserves and giving Metro a one-time break from the five-year cycle of evaluating need and expanding the Urban Growth Boundary commensurately.

Issues for Tigard: This is a responsible action to define with some certainty lands that may be urbanized within a 50-year time horizon. However, the Region must come to grips with how to pay for growth and equitably allocate costs and benefits. For example, some feel that growth should pay all of its costs and pass no or very little expense, to the general taxpayer. On the other hand, others may see their role as promoting the benefits of development through means such as Urban Renewal Districts. The region and its partners need to engage in this discussion in association with the designation of urban and rural reserves. An important element of this discussion is what kinds of revenue tools to use to pay for new



growth; and where they should be utilized – in new urban growth areas or inside existing cities to promote redevelopment.

### **Criteria Based Approach to Growth Management**

Metro has developed an integrated approach to growth management that is based on the following core principles and policies. This approach is intended to apply specific criteria to guide growth management decisions. The four core principles are:

1. All regional growth management and investment decisions should reinforce growth in centers, corridors, and employment areas.
2. Within this framework, the region will support and facilitate, when warranted, expansions of the urban growth boundary to develop vibrant new communities and employment areas, while balancing new development with the protection of the region's agricultural industry and important natural areas.
3. This strategy should be pursued through the collaborative efforts of multiple jurisdictions
4. The policy elements listed below should be viewed as a single integrated strategy.

The six policy elements that underlie the core principles, and which are to be considered as a single integrated strategy are:

1. Focus Fiscal Resources and Taxation Tools to Stimulate Development in Centers, Corridors and Employment/Industrial Areas
2. Coordinate Growth With Neighboring Communities
3. Base UGB Expansion Decisions on Urban Performance
4. Designate and Plan Urban Reserves
5. Designate Areas That Shall Not Be Urbanized
6. Prioritize and Invest in Transportation Improvements that Support Efficient Development and Strengthen the Economy

Issues for Tigard: Tigard is now prevented from expanding its city limits by abutting unincorporated urban development. Application of these urban growth strategies over the several years this development occurred would likely have led to a different outcome, resulting in a more orderly, and well-planned urban growth area. It is important that Metro's future growth management decisions reinforce Tigard's and other cities' desire to create the most livable communities possible within existing city limits. Resources should not go to the "edge" when they would have much greater positive impact within existing cities such as Tigard.

## **The Regional Transportation Plan (RTP)**

The RTP update is being conducted as part of Metro's New Look regional planning process, and will result in a new 2035 RTP by June 2008. Development and adoption of the updated plan will occur in two steps. The federal component of the plan will be approved by December 2007, before the current plan expires. The state component will be approved by June 2008.

A goal of this planning effort is to re-tool the current plan to better advance regional policies, public priorities and local efforts to implement the 2040 Growth Concept. The process uses an outcome-based approach to identify and prioritize transportation investments that are crucial to region's economy, and that most effectively support the land use, economic, environmental, and transportation goals embodied in the 2040 Growth Concept.

The update will also address regional, state, and federal planning requirements, issues identified in the 2005 Cost of Congestion, and recommendations from two concurrent processes to plan for freight and goods movement in the region and efficient management of the existing regional transportation system.

Metro's integrated policy management statement pertaining to the RTP states that:

- The updated Regional Transportation Plan should reinforce the integration of land use and transportation planning, and support development in centers, corridors and employment areas.
- This integration is a critical factor in the strategic selection of transportation projects and can reduce the need for costly facilities while improving outcomes for both transportation and community development.
- In recognition of current funding realities, the updated RTP should focus on the transportation investments that are the most strategic, cost-effective, and important from the standpoints of economic development and regional livability.

Metro is now midway through the RTP Update process. The following are the last three phases to be completed:

- Phase 4: Public review and adoption process for federal component (October 2007 - March 2008)
- Phase 5: System development and policy analysis of state component (January - April 2008)
- Phase 6: Public review and adoption process for state (and federal) component (April - June 2008)

Issues for Tigard: Tigard staff has participated in the RTP update process. The city has recently participated with other jurisdictions through the Washington County Transportation

Coordinating Committee to submit projects to be considered for inclusion in the updated RTP. The principles espoused by the RTP process would benefit Tigard and other existing cities by focusing improvements to promote the development/redevelopment of existing centers and corridors. Of special interest for Tigard is funding of future transportation improvements to benefit Highway 99W Corridor, Washington Square Regional Center; the downtown, and the Tigard Triangle

### **Highlights and Successes of the 2007 Regional Legislative Agenda**

The Oregon Legislature approved two bills, Senate Bill 1011 and House Bill 2051 that will affect the way Metro plans for expansion of the Urban Growth Boundary. The governor has signed both bills.

Senate Bill 1011 is a measure that enables Metro and local counties to designate land reserves that determine where the region will, and will not, accommodate population and employment growth over the next 40 to 50 years. A companion measure, House Bill 2051 grants Metro a one time, two-year extension of the current statutory requirement to undertake a five-year review and possible expansion of the UGB. The extension provides the time needed to do the work called for in Senate Bill 1011.

The bill directs the Oregon Department of Land Conservation and Development to adopt administrative rules that allow Metro and local counties to designate Urban and Rural Reserve Areas outside the current Urban Growth Boundary. Urban reserves are expected to accommodate growth over a 40 to 50 year horizon, and would be considered first when additional land needs to be brought into the UGB to accommodate projected growth. Rural reserves would consist of lands that are critical to the agricultural economy and to the protection of important natural resources. Rural reserves would be protected from urbanization for the same 40 to 50 year period. Neither rural reserves nor urban reserves can be established unless Metro and the region's counties enter into agreements about both.

Issues for Tigard: Some local jurisdictions are concerned about the potential role that counties will play in future urbanization decisions. It is felt that cities are the best places for urban growth to occur. Currently both Washington and Clackamas counties have substantial areas of unincorporated urban land. Some would like to see a commitment made that future urban growth occur only within city boundaries instead of within unincorporated areas. Other concerns have been expressed that the creation of rural reserves might result in the new urban development that would draw resources away from existing communities and their respective Centers.

Each of the above issues has potential impacts for Tigard. For example, the future designation of Urban and Rural Reserves will identify areas that will in the long term be urbanized or remain rural resource lands. Washington County will be involved in actively planning for these areas. Some Washington County cities are uneasy about the apparent expansion of the County's role in the urbanization process. One concern is the designation of future centers in new urban reserve areas. This could result in resources being diverted from the redevelopment of existing town and regional centers.